

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5963 OF 2016

Dnyaneshwar Bhikaji Kadu (Deshmukh) ... Petitioner
V/s.
The Collector, Pune & Ors. ... Respondents

Mr. Vaibhav Gaikwad i/b Mr. Parag Deshpande for the Petitioner.
Mrs. M.S. Srivastava, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : A.A. SAYED AND
K.K. SONAWANE, JJ.
DATE : 8th OCTOBER, 2018.**

P.C. :

1 The order dated 18.04.1998 of the Division Bench of this Court
in Writ Petition No.3601 of 1997 reads as follows :

“Heard Advocates for the parties.

The petitioners' land were acquired for re-settlement of the persons affected on account of floods caused due to bursting of Panshet Dam. It appears that the State Government offered alternative lands to such persons in Daund Taluka. However, due to inadvertence, the names of the petitioners did not appear in the list of the allottees who were to be given lands by the State Government. Thereafter, the petitioners were offered lands available in Shirur Taluka. The petitioners, however, did not accept the said lands on the ground that the same were situated at a far off place. Mr. Pai, learned AGP stated that lands are now available in villages Naigaon, Sortabwai, Tehur, Khambgaotek, Koregaon Mul in Haveli Taluka for the purpose of allotment to the affected persons. Mr. Pai also assured the Court that the petitioners will be given lands of their own choice from out of the lands which are available

from amongst the villages mentioned above. Accordingly, we direct the petitioners to approach the District Re-settlement Officer, Pune within a period of four weeks from today and the District Re-settlement Officer, after ascertaining the choice of the petitioners, will allot the lands chosen by the petitioners with concurrence of the Commissioner, Pune Division, Pune. It is agreed between the parties that the petitioners are entitled to allotment of six acres of land. The process of allotment shall be completed within eight weeks from the date of the petitioners exercising their choice in respect of the lands. Petition stands disposed of accordingly with no order as to costs. The interim order stands vacated.

Certified copy to be issued forthwith.”

2 On the request of learned Counsel, we grant liberty to the Petitioner to make a fresh representation for allotment of land in terms of the aforementioned order dated 18.04.1998 to the Deputy Collector (Rehabilitation). The Petitioner shall be entitled to give his preferences for the lands mentioned in paragraph 2 of the Affidavit-in-Reply of the Deputy Collector (Rehabilitation) in the said representation. If such representation is made within a period of three weeks from today, the same shall be decided in accordance with law within a period of eight weeks from the date of receipt of the representation.

3 The Petition is disposed of in the aforesaid terms.