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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.1610 OF 2018

Ananta Shripati Devgirikar	..Petitioner.
V/s.	
The State of Maharashtra & Ors.	..Respondents.

Mr.Y.B.Lengare for the petitioner.

Mrs.M.P.Thakur, AGP for the respondent-State.

***CORAM: RANJIT MORE AND
NITIN W.SAMBRE, JJ.***

DATE : FEBRUARY 20, 2018

PC.:-

Heard the learned counsel for the petitioner and the learned AGP for the State.

2. The petition is filed for the following relief :-

“(b) That this Hon'ble Court be pleased to issue appropriate writ, order or direction thereby directing the Respondent No.4 to forthwith decided the proposal of the

Petitioner dated 05-12-2017 in respect of Gat No.239 admeasuring 80 Ares at Village Dingrajwadi, Taluka Shirur, District Pune and put the petitioner in the possession of the said land.”

3. The case of the petitioner is that his land admeasuring 45.9R is acquired for Gunjavani Project by passing an award on September 9, 2000. The petitioner does not dispute that in the year 2007 alternate land admeasuring 80R was given to him under section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. Thus, the petitioner's family got 35R more land than the land acquired from him.

4. In the year 2017 i.e. after a lapse of 10 years, the petitioner approached respondent No.4 with a request to allot more land and since that application is not decided, he has approached this Court for the relief referred hereinabove.

5. The learned counsel for the petitioner relies upon para 3 of the schedule of Resettlement Act and contended that since the members of his family exceeded 5, he is entitled to more land. He

submits that at present there are more than 12 members in his family, a list of which is annexed at page 23.

6. We have perused the list of the 12 persons. Persons at serial Nos.1 and 2 are already dead. Persons at serial Nos.5, 9, 10, 11 and 12 i.e. five persons are the married sisters of the petitioner. They cannot be said to be members of the petitioner's family. If the 7 persons are excluded from the list of 12 persons, then, in the petitioner's family there remain only five persons.

7. In terms of the scheme under the Maharashtra Project Affected Persons Rehabilitation Act 1999, the petitioner is only entitled to land between 40 to 80R and as a matter of fact, the petitioner is granted 80R. Despite this, the petitioner has approached respondent No.4 and this Court for grant of more land. In order to show the increase in family members, the petitioner has included 5 married sisters and two dead persons. The stand of the petitioner is not at all *bona fide*. The petitioner wants to extract more land from the respondents. The demand of the petitioner is absolutely unreasonable.

8. That apart, the petitioner approached respondent No.4 and this Court after ten years. There is an enormous delay and this delay has not at all been explained.

9. In the circumstances, we are not inclined to entertain the petition and the same is dismissed with costs which is quantified at Rs.10,000/-. The petition shall deposit the costs within a period of four weeks from today.

10. If cost is not deposited within the time stipulated, we direct the Collector, Pune to recover the same from the petitioner as arrears of land revenue and make a report to this Court.

(NITIN W.SAMBRE, J.)

(RANJIT MORE, J.)