

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

WRIT PETITION NO.2821 OF 2018

Shri Tatyaba D. Ruke

... Petitioner

Vs

The State of Maharashtra & Ors.

... Respondents

...

Mr. Suresh M. Sabrad i/by Sachin Deokar for the Petitioner.

Mr. R.S.Pawar, AGP for the Respondent-State.

CORAM : A.A.SAYED &

SANDEEP K. SHINDE JJ.

DATE : 17 OCTOBER, 2018

P.C. :

This Writ Petition is filed seeking directions against the Respondent No.2-Collector and the Authorities to delete the entries of reservation for Project Affected Persons from the other rights column of the revenue records in respect of land admeasuring 1 Hectare 20 Ares from New Gat No.56/1/A (Old Gat no.872) situated at Mouje Burunjwadi, Taluka Shirur, District Pune (hereinafter referred to as the subject land) out of the larger portion of land admeasuring 5 Hectares 25 Ares

2 The land of the Petitioner was in benefitted zone of Chaskaman Project. The subject land was notified under section 11 of the Maharashtra Re-settlement of Project Affected Persons Act, 1976 (for short 'the **said Act**') along with other lands. The subject land, however, remained to be acquired by the State Government and no Notifications u/s. 4/6 of the Land Acquisition Act have been issued for acquiring the subject land. In the Affidavit-in-reply filed by the Deputy Collector (Land Acquisition No.22), it is admitted that the subject land was not included in the Notification u/s.4 of the Land Acquisition Act, 1894. Despite the subject land not being acquired, the 7/12 extract shows entries in the other rights column as land reserved for re-settlement of Project Affected Persons of Chaskaman Project. The Notification under Section 11 of the said Act was issued as far as back on 30.6.1989. Thus, despite the Notification u/s. 11 having being issued in the year 1989, no acquisition proceedings have been initiated by the State Government in respect of the subject land.

3 In our view, the aforesaid entries in the other rights column cannot remain in the revenue records for years together. After a Notification is issued under Section 11 of the said Act, there is bar under Section 12 to deal with the lands notified. If the State Government is serious about acquiring lands for re-settlement of Project Affected Persons, appropriate steps have to be taken for acquisition of the lands. The learned Counsel for the Petitioners has invited our attention to the order dated 17.09.2013 passed by a Division Bench of this Court (Coram: Kanade and Gupte JJ.) in Writ Petition No.5207 of 2013 and the order dated 16.02.2017 passed by learned Single Judge of this Court (Coram: R.M.Savant, J.) in Writ Petition No.4309 of 2015 wherein the Authorities were directed to delete the entries of reservation from the Revenue record in respect of the land owned by the Petitioners therein. It appears that in the aforesaid cases, as a matter of fact, acquisition proceedings were initiated by issuing Notification u/s. 4 of the Land Acquisition Act, 1894 and the acquisition had lapsed. The present case stands on a better footing as even the Notification u/s. 4 has not been issued in

respect of the subject land.

4 In the circumstances, the present Petition will have to be allowed. The Respondents are directed to delete the entries of reservation for the project affected persons from the other rights column of the revenue records in respect of the subject land within 04 months from today, unless the State Government takes appropriate steps to acquire the subject land within the stipulated period of 04 months.

5 The Petition is allowed in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

(A.A.SAYED, J.)