

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

WRIT PETITION NO. 8748 OF 2018

Ganpat @ Bhagwant Sadojirao Kadam & Ors. ...Petitioners
Vs.
State of Maharashtra & Ors. ...Respondents

Mr.S.G. Deshmukh i/b. Mr.Sanket Deshpande for Petitioners.
Mrs.Madhubala Kajle, 'B' Panel Advocate for State.

CORAM : A.A. SAYED & S.C. GUPTA, JJ.

DATED : 24 AUGUST 2018

P.C. :

This petition has been filed seeking the following reliefs :

- a) To call for the necessary and relevant records from the Respondent Nos.1 to 3;
- b) To issue a Writ of Mandamus or any other appropriate Writ, Order or direction in that nature directing the Respondents Nos.1 to 3 to regularize the lands in occupation and possession of the Petitioners;
- c) To direct the Respondents No.1 to 3 to grant to the Petitioners additional lands in the vicinity of the lands in their possession at present which falls short of the lands to be allotted to the Petitioners as per Part III of the Schedule to the Maharashtra Project Affected Persons Rehabilitation Act, 1999;
- d) In the alternative, if for any reason land is not possible to be allotted, to direct the Respondents to pay Compensation to the Petitioners for the land which is short of land allottable to the

Petitioners as per table, which was required to be allotted to the Petitioners;

e) To issue a writ of Mandamus or any other appropriate writ order or direction in that nature directing the Respondents No.1 to 3 to allot Plots No.20 and 33 from the gaothan of Rohine, Kavad Khurd, Tal.Bhivandi, Dist.Thane;

f) To issue an Order of Injunction restraining the Respondents or any of them from disturbing the present possession of the Petitioners from Gat No.233/1 Part of Village Kavad Khurd, Tal.Bhiwandi, Dist.Thane.

g) To pass ad-interim order in terms of prayer clause (f) above;

h) To provide for the costs of this Petition;

l) To pass any other and further orders in favour of the Petitioners in the facts and circumstances of the case.”

2 The Petitioners claim that Baliram being the eldest brother of the 5 brothers, his name alone was considered as Project Affected Person by the Respondents. According to the Petitioners all the 5 brothers were Project Affected Persons and the Respondent No.1 ought to have allotted 5 units for rehabilitation, one unit to each of the brothers, under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 instead of allotment of only one unit to Baliram who was the Karta of the HUF and whose name alone was shown in the letter of allotment dated 14-03-1967. The

Petitioners contended that the names of all 5 brothers had remained to be mentioned in the proceedings as Project Affected Persons. The Petitioners state that the Respondents unfortunately only considered the name of Baliram for allotting the land as Project Affected Persons.

3. Having heard the learned Counsel for the Petitioners, we find that the Petitioners are guilty of gross delay and laches in filing the present Writ Petition. The subject lands were acquired as far back as in 1967 for Koyna Project and admittedly the allotment of land to Baliram was made in the year 1969. More than 50 years have elapsed since. Mere filing of representations does not constitute sufficient cause for condoning the delay of more than half a century.

4. In the circumstances, we dismiss the Petition on the ground of delay and laches. The Petitioners shall pay costs quantified at Rs. 10,000/- to the Respondent-State within four weeks from today.

(S.C. GUPTE, J.)

(A.A. SAYED, J.)