

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 9548 OF 2015****Bajabai Chimaji Kadam****(deceased) Through Santosh R. Kadam****..... Petitioner****VERSUS****The Collector, Pune & Ors.****..... Respondents**

Mr.Yeshwant Lengare, a/w. Mr.Manoj Patil, i/b. Ms.Suman Y. Lengare  
for the Petitioner.

Mr.S.H.Kankal, A.G.P. For the State – Respondent nos. 1 to 6.

**CORAM : R.D. DHANUKA, J.****DATE : 19<sup>th</sup> JUNE, 2018****P.C.**

Heard learned counsel appearing for the parties.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 27<sup>th</sup> March,2015 passed by the learned Additional Collector Cum Deputy Director of Resettlement (Land) Pune on the ground that the petitioner has not deposited the requisite amount.

3. On the other hand, it is the case of the respondent no.4 that the respondent no.4 had not deducted 65% amount from the compensation payable to the petitioner and had deposited the entire amount which is allegedly accepted by the land owner. The petitioner has disputed the said allegation of the respondent no.4.

4. Since there is a dispute between the parties as to whether the

respondent no.4 had deducted 65% amount from the compensation or not and whether the petitioner had received the balance amount from the respondent no.4 or not towards the compensation and as a result of that the petitioner was not allotted alternate land, it would be in the interest of justice that the matter be remanded back with a direction to the respondent no.2 for making an enquiry on this issue and to pass a fresh order on the application dated 12<sup>th</sup> July, 2013 filed by the petitioner for alternate land. The learned Collector shall render an opportunity to the petitioner of being heard. A fresh order shall be passed after complying with the principles of natural justice.

5. The petitioner is directed to appear before the learned collector on 28<sup>th</sup> June, 2018 at 03.00 p.m. without fail.

6. The learned collector shall decide the application of the petitioner for alternate land within three months from the date of its first meeting.

7. The impugned order dated 27<sup>th</sup> March, 2015 passed by the learned Additional Collector Cum Deputy Director Resettlement (Land) Pune is accordingly set aside with the aforesaid directions.

8. Writ petition is accordingly disposed of in the aforesaid terms. No order as to costs.

**[R.D. DHANUKA, J.]**