

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

WRIT PETITION (ST.) NO. 24537 OF 2017

Bhika Haribhau Balkawade & Ors.Petitioners
Versus
The Dy. Collector, (Rehabilitation), Pune & Ors.Respondents

Mr. N.P. Deshpande for the petitioners.
Mrs. M.P. Thakur – AGP for the State.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 21st FEBRUARY, 2018

P.C. :

1. Heard Mr. N.P. Deshpande, learned counsel for the petitioners and Mrs. M.P. Thakur, learned AGP for the State. The land admeasuring 39.2 Ares was acquired from the petitioner for Kalmodi Irrigation Project. The petitioner is, therefore, project affected person and is entitled for an alternative land in accordance with the scheme under the Resettlement Act. The present petition is filed seeking direction to the Respondent No.2 – The Additional Collector, Pune to allot an alternative land to the petitioners. Mr. Ravindra Ganesh Kulkarni, Deputy Collector (Rehabilitation), Pune has filed an affidavit-in-reply dated 14th December, 2017. In paragraph 2 of the affidavit-in-reply, he has made following averment :-

“It is stated that the Petitioners are eligible for the allotment of the alternate lands. However, the scrutiny in respect of the partition amongst the Petitioners is before the appointed date i.e. 09/06/1999 or not is required to be ascertained by obtaining the relevant documents regarding the age proof of the Petitioners on the appointed date. Similarly, consent letters of the co-owners were not submitted by the Petitioner before the Respondent and therefore, the decision in regard to allotment of alternate lands could not be taken. I, therefore, say that if the Petitioners furnish the said age proofs and the consent letters of the co-owners, then the Respondents are ready to decide the application for allotment of alternate lands. ”

2. From the above averment, it is clear that the petitioners are entitled for an alternative land. However, the petitioner's proposal could not be proposed for want of relevant documents. Mr. N.P. Deshpande, learned counsel for the petitioners submits that those relevant documents which are annexed to the petition are already submitted to the Deputy Collector (Rehabilitation), Pune subsequent to the filing of this petition.

3. In the above facts and circumstances, we dispose of the petition by passing the following order :-

(i) Respondent No.1 – The Deputy Collector (Rehabilitation), District – Pune is directed to consider the petitioner's proposal for allotment of alternative land in lieu of the land acquired from him for Kalmodi Irrigation Project and take a decision as expeditiously as possible and preferably within a period of four weeks from the date of receipt of copy of this order. The petitioners are directed to remain

present before Respondent No.1 – The Deputy Collector (Rehabilitation), Pune on 07th March, 2018 and submit a copy of this order alongwith additional documents, if necessary. Writ Petition stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)