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

CIVIL WRIT PETITION (STAMP) NO.28525 OF 2018

Sambhaji Sayaji Bombale	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.Y.B.Lengare, for the Petitioner.

Mr.Amol Patil, A.G.P for the Respondent Nos.1 to 6.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th OCTOBER, 2018

P.C. :

1. Heard learned counsel for the Petitioner.
2. Learned Counsel for the Petitioner submits that the Petitioner is a Project Affected Person under the Chaskman Project at Pune. He submits that pursuant to the Petitioner's land being acquired, the Petitioner was given an alternate land being Gat No.548, admeasuring 78 R and Gat No.1477/pt, admeasuring 2 Hecter at Village Shikrapur, Taluka – Shirur, District – Pune, under the Maharashtra Resettlement of Project Displaced Persons Act, 1999. He submits that the Petitioner is in possession of the

said land and is cultivating the said land for the last eight years. He submits that the said allotment was made to the Petitioner vide order dated 16th December, 2010 and that the Petitioner has also paid an occupational price of the said land amounting to Rs.63,600/- and measurement fees of Rs.7,000/- in the Government Treasury. He submits that pursuant thereto, the Respondent No.5 – The Deputy Collector (Resettlement), Pune, directed the Tahsildar Shirur, to hand over possession of the said land to the Petitioner, and accordingly, the same was handed over to the Petitioner, on 27th December, 2010 and a panchanama to that effect was drawn and possession receipt was issued. He submits that the original land holder made a complaint to the Additional Collector regarding excess allotment having being made to the Petitioner, pursuant to which the Petitioner appeared before the Additional Collector. The Additional Collector, Pune, vide order dated 16th December, 2010, held that the Petitioner was a Project Affected Person and as such confirmed the allotment order dated 16th December, 2010. He submits that however, subsequently, the Respondent No.4 i.e. the Additional Collector, Pune, vide order dated 28th May, 2018, recalled its earlier order dated 16th December, 2010, after 8 years and cancelled the allotment of the land, granted in

favour of the Petitioner to the extent of 1 Hectar 18 Ares from Gat No.1477, at Village Shikrapur, Taluka – Shirur, District – Pune and directed that the name of the Collector cum Deputy Director of Resettlement (Land) Pune, be entered in the Records. The Petitioner being aggrieved by the said order in Revision/Appeal, challenged the same before the Divisional Commissioner, and the same is pending.

3. Learned Counsel for the Petitioner submitted that the Petitioner had filed an application seeking stay of the impugned order dated 28th May, 2018, passed by the Respondent No.4-Additional Collector, Pune, however, the same was rejected vide order dated 3rd September, 2018. Learned Counsel for the Petitioner submits that the Petitioner is in possession of the said land, pursuant to the allotment order and that the Petitioner is in possession of the said land for the last eight years and is cultivating the same. He requests that the status-quo be maintained, till the Petitioner's Revision/Appeal is heard and finally decided by the Divisional Commissioner.

4. Since the Petitioner's Revision/Appeal is pending before the Divisional Commissioner, it would not be appropriate to go into the merits of the Petition. Suffice to state that the parties shall maintain status-quo, till the Petitioner's Revision/Appeal, is finally decided by the Divisional Commissioner.

5. If any adverse order is passed as against the Petitioner, the status-quo order to continue, for a period of three weeks thereafter.

6. It is made clear that the Divisional Commissioner shall decide the Petitioner's Revision/Appeal, on its own merits, in accordance with law, uninfluenced by the status-quo order granted by this Court.

7. The Petition is disposed of in the aforesaid terms. All contentions of the parties are kept open.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)