

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

WRIT PETITION NO.1209 OF 2018

Shri Sakharam Laxman Hadkar
Since Deceased Through His
Legal Heir Laxman Sakharam
Hadkar

... Petitioner

Vs

Deputy Collector
(Rehabilitation) Kolhapur District

... Respondents

...

Mr. Pradeep D. Dalvi for the Petitioner.

Ms. M.S.Srivastava, AGP for the Respondent Nos.1 and 2.

CORAM : A.A.SAYED &

SANDEEP K. SHINDE JJ.

DATE : 1ST NOVEMBER, 2018

P.C. :

The prayers in the petition read as follows:

“(a) Quash and set aside the impugned order dated 4.10.2017 passed by the Deputy Collector (Rehabilitation, Kolhapur, passed in Desk-15(4)/Rehabilitation/SR/18/2017;

(b) this Hon'ble Court be pleased to direct the Respondents to allot suitable agricultural land to the Petitioner from the Government Land Pool for rehabilitation of the Petitioner being a project affected person;

(c) Costs of this Writ Petition be provided for;

(d) pass such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2 By order dated 13.2.2017 passed in Writ Petition No.3872 of 2014 filed by the Petitioner, this Court had directed the Respondent No.1-Deputy Collector (Rehabilitation) to treat the said Writ Petition (WP No.3872/14) as representation and dispose of the same after hearing the concerned parties within three months. By the impugned order, the Deputy Collector (Rehabilitation) (Respondent No.1 herein) has rejected the representation (as mentioned above) of the Petitioner on the ground that 65% of the compensation for seeking alternate land has not been deposited.

3 It is an admitted position that the Petitioner has not received compensation amount under the award and the amount of Rs.5,98,787/- is lying with the Deputy Collector, Land Acquisition Officer-12, Kolhapur. Moreover, the entitlement of the Petitioner in respect of alternate accommodation of 1 Hectare 21 Ares is also not in dispute.

4 In the circumstances, we dispose of the Petition by passing the following order:

(1) The impugned order dated 4.10.2017 passed by the Respondent No.1-Deputy Collector (Rehabilitation), Kolhapur is set aside.

(2) The Deputy Collector, Land Acquisition Officer-12, Kolhapur shall permit the Petitioner to withdraw the amount of Rs.5,98,787/- at the earliest.

(3) Upon receipt of the amount, the Petitioner is permitted to pay 65% of the amount of Rs.5,98,787/- to the Respondent No.1-Deputy Collector (Rehabilitation).

(4) If aforesaid amount is paid, the Petitioner shall be allotted alternate land admeasuring 1 Hectare 21 Ares expeditiously and in any event within three months from today.

(5) It would be open for the Petitioner to place on record before the Respondent No.1-Deputy Collector

(Rehabilitation) his preferences, if any, of the alternate land to be allotted to him.

(6) We record the statement of the learned Counsel for the Petitioner that the Petitioner shall make necessary compliances and the Petitioner shall make necessary Application in the 'prescribed' format, unless such Application is already filed.

(7) The alternate land shall be allotted to the Petitioner expeditiously and in any case, within three months from today.

5 The Petition to stand disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

(A.A.SAYED, J.)