

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14265 of 2017

Shri Hiranman Chandu BarnePetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Sandeep S. Salunkhe, advocate for the petitioner.
Mr. P. G. Sawant, AGP for the State.

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

DATE : 23rd FEBRUARY, 2018.

P. C. :

Heard learned counsel for the petitioner and learned AGP
appearing for the respective parties.

2. The petition is filed seeking direction to the respondent No.4 to delete the entry/remark of reservation for project affected persons rehabilitation of Kasarsai Project in the other right column of the 7/12 extract of the land bearing Gat No. 431/2, situated at Village Man, Tal-Mulshi, Dist. Pune.

3. It is the specific case of the petitioner that the Land Acquisition Officer issued notification under Section 4 of the Land Acquisition Act 1984 on 18th June, 1992 and the petitioner's land bearing

Gat No.431/2 situated at Village- Man, Taluka-Mulshi, District- Pune admeasuring about 2 Hectares 60 R came to be reserved for project affected persons rehabilitation of Kasarsai Project. As per the directions of the Collector, Pune and Tahasildar – Mulshi dated 11th July, 1997, mutation entry No.4274 was recorded by the concerned Revenue Officer and it was mentioned that 2 Hectares and 60 Ares land, out of the Gat No.431/2 land, was to be reserved for project affected persons Rehabilitation of Kasarsai Project. Accordingly, in the other rights column of the 7/12 extract of the Gat No.431/2, situated at Village- Man, Taluka – Mulshi, District- Pune, the entry/remark was made and the said land admeasuring 2 Hectares and 60 Ares was reserved for the project affected persons. It is the specific case of the petitioner that the acquisition proceedings have lapsed and, therefore, the entry in the other rights column of the 7/12 extract of the said land must be deleted.

4. On behalf of the respondent Nos.3 and 5, Shri Shailesh Sharad Suryawanshi, Deputy Collector, Land Acquisition No.26, Pune, has filed an affidavit dated 16th February, 2018. In paragraph 5 thereof, he has specifically stated that after issuance of the notification under Section 4 of the Land Acquisition Act, 1894 to acquire the petitioner's land, declaration under Section 6 of the said Act has not been issued. The Deputy Collector has further made an averment that the acquisition proceedings in that view of the matter has lapsed.

5. In the light of the above, the petition is allowed in terms of prayer clause (a) and is disposed of as such. Consequently, the entry/remark in the other right column of the 7/12 extract of the land bearing Gat No.431/2 situated at Village -Man, Tal-Mulshi, Dist.Pune as regards reservation for project affected persons rehabilitation of Kasarsai Project is ordered to be deleted.

6. We make it clear that this order will not come in the way of the respondent authority to acquire the said land in future, if required, for any other project.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]