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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.297 OF 2018
IN/WITH
WRIT PETITION NO.4170 OF 2015**

Vijaysing s/o Nathesing Rajput,
Age: 65 years, Occu: Agri.,
R/o. Sakuba Niwas, Loknete Amadar
Swargiya Thansing Jibhau Chowk,
Shindkheda, Dist. Dhule

..APPLICANT

VERSUS

1. The State of Maharashtra,
(Through the Secretary,
Revenue Department, Mantralaya,
Mumbai-32)
2. The Divisional Commissioner of Revenue,
Nashik Division, Nashik
3. The Collector, Dhule
4. The Dy. Collector and Land Acquisition Officer,
Medium Irrigation Project, No.1,
Collector Office, Dhule
5. Smt. Pratibha V. Sapkal,
Age: 50 years, Occu: Service,
The Dy. Collector and Land Acquisition
Officer, Medium Irrigation Project, No.1,
Collector Office, Dhule
6. Rajendra s/o Ghanshyam Bhavsar,
Age: 59 years, Occu: Pensioner,
Then Branch Engineer,
Medium Irrigation Project, Dhule
7. The Surveyor (Parinirikshan),
Taluka Inspector of Land Record,
Shindkheda, Dist. Dhule

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8. The Land Measurer (Bhukarmapak),
Taluka Inspector of Land Record,
Sindkheda, Dist. Dhule

..RESPONDENTS

Mr B. R. Warama, Advocate for applicant;
Mr K. N. Lokhande, A.G.P. for respondent Nos.1 to 4

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 19th November, 2019

ORAL ORDER:

Perused the order dated 16th April, 2018 as well as the order dated 18th October, 2019, passed by this Court. The affidavit-in-reply is filed on behalf of respondent Nos.1 to 4 through Shri. Shrikumar Baburao Chinchkar, Deputy Collector and Land Acquisition Officer, No.1, Dhule, Dist. Dhule. On perusal of the annexure to the affidavit-in-reply i.e. the report submitted by the Deputy Superintendent of Land Records, Shindkheda to the Deputy Collector, Land Records, dated 22nd September, 2017, it reveals that though an attempt was made to undertake the exercise of measurement of the property situated in the village Mouje Divi by issuing notice, the petitioner raised some objection and as such, the exercise could not be completed. It was also the opinion of the Deputy Superintendent of Land Records that the lands were acquired in the year 2008 and as such, after span of period of ten years, there may be some difference in the fact situation on the spot.

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2. The letter issued by the Collector, Dhule to the Executive Engineer, Dhule Medium Project, Division No.1, Dhule as well as to the District Superintendent, Land Records, Dhule, dated 7th November, 2011 is placed at annexure R-6 of the affidavit-in-reply. The Collector in that communication, made reference to the grievance of the petitioner and also made reference to certain orders of this Court and a communication issued through the office of the learned Government Pleader, High Court Aurangabad. The Collector, thus, by referring these communications, directed to undertake the exercise of joint measurement afresh and to submit report to the Collector expeditiously considering the earlier exercise of joint measurement.

3. Considering the grievance of the petitioner which is of two fold, firstly, inadequate compensation is given to the petitioner and secondly, the compensation was given to certain claimants, who were not entitled to receive the compensation and either by playing mischief or in connivance with the Government officials, the benefit of the compensation was sought for, we are of the opinion that the grievance raised by the petitioner can not only be addressed by certain directions but also it would be redressal of the grievance of the petitioner.

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4. As we have stated above that the Collector, Dhule directed the District Superintendent of Land Records to undertake the exercise of joint measurement and to submit report expeditiously, the Collector to call upon the District Superintendent of Land Records, Dhule to submit the report either personally or through the subordinate of District Superintendent of Land Records, Dhule within a period of four weeks from today. In the meantime, the petitioner is also directed to submit a comprehensive representation to the Collector, raising his grievance along with the necessary documents. It is submitted by Mr Warama, learned Counsel for the petitioner that certain representations are already submitted to the Collector, Dhule. The petitioner may annex the copies of earlier representations along with the fresh representation to the Collector within a period of two weeks from today.

5. The Collector, on receipt of the report from the District Superintendent of Land Records, if is of the opinion of granting an opportunity of hearing, he may provide such an opportunity of hearing to the petitioner within four weeks thereafter. If such an opportunity is provided, on hearing of the petitioner and on considering the report being submitted to the Collector through the District Superintendent of Land Records, the Collector, Dhule may take appropriate steps. Needless to state that, if the Collector is of the opinion that certain

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Government officials are responsible for awarding compensation to unworthy claimants, he may initiate appropriate action against such erring officers and to see that such action initiated by him is reaching to its logical end, as early as possible.

6. Our above referred directions would not only address the grievance of the petitioner, but also it would be the redressal of his grievance.

The petition is disposed of with the above referred directions.

In view of disposal of writ petition, the civil application is also disposed of.

By an order dated 18th October, 2019, this Court directed the authorities to seek approval of this Court in case the authorities are proposing to undertake the exercise of rehabilitation and such an exercise is affecting the merits of the application or the petition and by an order dated 13th November, 2019, the authorities were further directed not to take any exercise of rehabilitation of village Divi till next date, considering these interim orders and our directions to the authorities while disposing the petition, it would be in the interest of justice and in the fitness of the things that the interim orders passed by

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this Court on 13th November, 2019 to be continued till the Collector, Dhule takes the decision as per the directions of this Court.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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