

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO. 5302 OF 2017

IN

WRIT PETITION NO. 7417 OF 2012

Jaipaldada Hanje & ors.

...Applicants/
Intervenor

In the matter between

Dinkarrao Baburao Ghorpade

...Petitioner

Versus

The Collector & Special Land Acquisition
Officer No.1, Kolhapur

...Respondent

CIVIL APPLICATION NO. 35 OF 2016

IN

WRIT PETITION NO. 7417 OF 2012

Keraba Yaswant Gosavi & ors.

...Applicants/
Intervenor

In the matter between

Dinkarrao Baburao Ghorpade

...Petitioner

Versus

The Collector & Special Land Acquisition
Officer No.1, Kolhapur & ors.

...Respondents

WITH

CIVIL APPLICATION NO. 954 OF 2017

IN

WRIT PETITION NO. 7402 OF 2014

Eknath Keraba Dauri-Gosavi & ors.

...Applicants/
Intervenor

In the matter between

Dinkarrao Baburao Ghorpade

...Petitioner

Versus

The Collector & Special Land Acquisition
Officer No.1, Kolhapur & ors.

...Respondents

Mr. Jayprakash S. Kapre, for the Applicants/Intervenor.

Mr. P. D. Dalvi, for the Petitioner.

Mr. P. P. More, AGP for Respondent nos.1 to 4/State.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 26th March, 2019**

PC:-

1. The applications seeking intervention is presented by the allottees who have been allotted the landed property which is subjected to acquisition under an award dated 12th April, 2012, passed by the Dy. Collector, (Land Acquisition) No.12, Kolhapur.

2. The agricultural property is acquired for the purposes of resettlement of project affected persons. Some of the intervenors claim that they are the allottees of the landed property since they are the persons affected by the project and are entitled to be rehabilitated under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 2016 ('the Act', for short). It is claimed that some of the intervenors are the purchasers from the original allottees and the transaction is stated to have been entered with prior permission from the Collector. The intervenors claim that they have been allotted the agricultural property which is in their possession since long before issuance of notification under Section 4 of the Act. Paragraph 18 of the award records that the possession of the subject land has been handed over by the land owners and

the mutation entries in the name of the Collector and the Deputy Director, Project Rehabilitation, has been recorded in the revenue record on 6th July, 1990. Though the proceedings for acquisition have been initiated in the year 2010 which has culminated in passing an award on 12th April, 2012, in view of the voluntary surrender of the possession of the agricultural property, the intervenors claim that they have been put in possession of the property. There are various litigations initiated as regards the subject properties and its acquisition.

3. Considering this aspect, though the challenge raised in the instant matters relates to the declaration issued under Section 6 of the Act, we deem it appropriate to permit the intervenors to intervene in the petitions.

4. The applications seeking intervention are allowed.

5. Liberty to the Respondents/State to file additional reply.

6. Place the petitions on 23rd April, 2019.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]