

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6905 OF 2015

Smt. Sanjyoti Shivaji Salekar

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Sujeet Kurup i/by M/s. Kurup Shivaji & Co., Advocate for the
Petitioner.

Mr. B. V. Samant, AGP for Respondent Nos.1 to 6 - State.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 2nd DECEMBER, 2019

P.C.

1] Heard learned counsel for the parties.

2] It is not in dispute that agricultural land belonging to late Shri. Shivaji Ganpat Salekar was acquired by the State of Maharashtra for the Neera Devghar Dam Project. It is also not in dispute that processing the claim of the project affected persons to be allotted compensatory land under the Maharashtra Project Affected Persons Rehabilitation Act, 1986 entitlement of late Shri. Shivaji Ganpat Salekar was accepted with the fact that as required by law he had deposited 65% of the sum awarded to him on his land being acquired so that compensatory land could be allotted to him.

3] The reply filed to the Writ Petition is wishy-washy and centers around that the Respondents are trying to identify a suitable parcel of land which could be allotted to the legal heirs of deceased Shri. Shivaji Ganpat Salekar.

4] Since amount required to be deposited for compensatory land has already been received by the Respondents, we direct that within six weeks from today the 2nd Respondent shall identify compensatory land required to be allotted to the heirs of Shri. Shivaji Ganpat Salekar and would put them in possession of the allotted land simultaneously it shall be ensured that revenue entries are made in the relevant revenue records showing the possessory rights of the allottees.

5] Noting that 65% of the awarded amount was received by the State of Maharashtra evidenced by the tax receipt Exh.A dated 04.12.2014, we compensate the Petitioner for depriving possessory right of the compensatory land by imposing cost of ₹ 1,00,000/- upon the Respondents. This amount shall be paid to the Petitioner within six weeks from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE