

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

WRIT PETITION (STAMP) NO.26572 OF 2019

Bhimrao Siddhu Patil and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents
.....
Mr. Mandar Bagkar i/b. Mr. Chetan Patil for the Petitioners.
Ms P.N. Diwan, AGP for the Respondent Nos.1 to 5-State.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 6th DECEMBER, 2019.

P.C.:-

The subject matter of the Petition pertains to Project Affected Persons of Ambe Ohal Medium Irrigation Project.

2. It is not in dispute that the case of the Petitioners would be covered by the order dated 27 August 2018 passed by the Division Bench of this Court in Writ Petition No.3087 of 2016 (Govind Mahadu Jadhav (decd) Through Lrs. V/s. State of Maharashtra & Ors.).

3. In the circumstances, we dispose of the Writ Petition by passing the following order:

O R D E R

(i) We direct the Deputy Collector (Resettlement), Kolhapur

to examine the case of the Petitioners with a view to ascertain whether they are Project Affected Persons as claimed by them and whether they are entitled to allotment of lands under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 or under similar enactments;

- (ii) We direct the Petitioners to appear before the Deputy Collector (Resettlement), Kolhapur on 15 January 2020 at 12.30 p.m. The Petitioners shall produce necessary documents in their custody along with Representations. If the Petitioners are not in possession of all the documents, the Deputy Collector (Resettlement), Kolhapur shall grant time of three months to them to produce the relevant documents from the date fixed for appearance;
- (iii) In the event, the Petitioners produce evidence to show that their Application for grant of heirship certificate/succession certificate/probate/letters of Administration are pending, on being satisfied that such Applications are pending, the Deputy Collector (Resettlement), Kolhapur shall extend the time of three months provided in this order and shall grant a reasonable time to enable the Petitioners to obtain necessary grant from the concerned Court;
- (iv) We direct the Deputy Collector (Resettlement), Kolhapur to consider documents and to pass an order recording brief reasons. The order shall be passed within a period of three months from the date on which

time granted to the Petitioners to produce documents expires. A copy of the order passed by the Deputy Collector (Resettlement) Kolhapur shall be served upon the Petitioners.

- (v) If the Deputy Collector (Resettlement), Kolhapur is satisfied that the Petitioners are the project affected persons or legal representatives of the project affected persons and/or otherwise are entitled to allotment of a land, the State shall ensure that the Collector or appropriate authority of the State immediately issues a notices to the Petitioners under clause (a) of sub-section (2) of section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. Notices shall be issued either by RPAD and/or by hand delivery;
- (vi) It will be open for the Petitioners to communicate their willingness to accept the grant of a land within a period of 45 days from the date of receipt of such notices from the Collector/Competent Authority;
- (vii) Needless to add that adjudication will be made by the Deputy Collector (Resettlement), Kolhapur in the light of the discussion made in this order. We clarify that the Petitioners will not be required to produce evidence to show that Applications under sub-section (1) of section 16 of the said Act have been made either by them or by their predecessors. We also clarify that even assuming that the Petitioners or their predecessors-in-title have made statements before the Land Acquisition Officer stating that they are not interested

in allotment of alternate land, such statements shall not amount to waiver of their right of allotment of land by way of Rehabilitation;

4. The Writ Petition to stand disposed of in the above terms.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)