

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

WRIT PETITION NO. 79 OF 2019

Parvati Shankar Pawar

... Petitioner.

V/s.

The Deputy Collector (Resettlement), Satara
& Ors.

... Respondents.

Mr. S. A. Sawant, Advocate, i/by Mr. H. S. Kadam, for the
Petitioner.

Mr. P. P. More, AGP for Respondent Nos. 1 to 4- State.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : MARCH 27, 2019.

PC :

1 The above Writ Petition can be disposed of in terms of directions issued by the Division Bench of this Court in Public Interest Litigation No. 171 of 2014 decided on February 13, 2017. The Petitioner claims to be project affected person, whose lands were acquired. It is the contention of the Petitioner that in spite of constant persuasion, no steps have been taken by the Respondents for granting the benefits under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. In similar situation, while disposing of the Public Interest Litigation No. 171 of 2014 certain directions are issued. This Petition can be disposed of conveniently by issuing similar directions. Hence, the order :

O R D E R

(i) There is no controversy as regards the petitioner being project affected person, and as such he is entitled to claim the benefits in accordance with the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

(ii) We further direct that the Petitioner to appear before the District Resettlement Officer, Satara on 22.04.2019 and produce necessary documents along with their Representations claiming benefits. In the event of request made by the Petitioner for grant of time to enable them to furnish the documents, it would be open for the District Resettlement Officer to grant further time after considering their Representations together with necessary documents;

(iii) The District Resettlement Officer, Pune shall pass appropriate orders as expeditiously as possible and preferably within six months from the date of appearance of the Petitioner before the concerned authority;

(iv) In the event, the District Resettlement Officer upholds entitlement of the Petitioner for allotment of land, it would be necessary for the said authorities to take further steps in pursuance of the decision and necessary steps shall be taken as early as possible and preferably within six months from the date of such decision;

(v) It is needless to mention that the Respondent authority shall have to follow the procedure under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 i.e. issuance of notice to the Petitioners calling upon them to express their willingness in respect of allotment of land and on receipt of communication to the notice by the concerned authority, to take further steps expeditiously;

(vi) It would also be obligatory on the part of the Petitioner to deposit the amount within the time stipulated in the Act. In the event of any difficulty in respect of allotment of land, it would be obligatory on the part of the authorities to observe the procedure prescribed by law and to pass appropriate orders within the contemplation of subsection 4 of Section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

2 In view of above directions, the Writ Petition stands disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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