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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 995 OF 2019

Shri Eknath Bhau Patil

.. Petitioner

Vs.

The District Collector, Kolhapur
& Ors.

.. Respondents

Mr. Shrishail Sakhare for Petitioner.

Mr. K. S. Thorat, AGP for Respondents-State.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 25, 2019.

P.C.

1. Heard learned Counsel for the Parties.
2. The common pleadings of the parties are that the Petitioner is a project affected person and entitled to compensatory land in terms of the Maharashtra Project Affected Persons Rehabilitation Act, 1976. The further common pleadings are that 65% of the awarded amount post acquisition of land of the Petitioner has been credited to the treasury.
3. The Petitioner has been allotted compensatory land but the same is Devasthan Inami Class III land. The land of the Petitioner which was acquired was a Class-I land.

4. We have used expression common pleadings of the parties for the reason these pleadings in the Writ Petition have been admitted in the counter affidavit filed.

5. The grievance in the Writ Petition is that the land which has been allotted to the Petitioner has various restrictions qua sale, lease and letting of the land on account of the land being Devasthan Inami Class III land. Since the land of the Petitioner which was acquired was free from such encumbrances, the Petitioner has prayed that compensatory land allotted to him should be of a category which is free from encumbrances and matches the status and character of the land of the Petitioner which was acquired.

6. In the counter affidavit filed, while admitting that the Petitioner would be entitled to alternative land of the same Class and Category of land which was acquired from the Petitioner, it is pleaded that vide Government Resolutions dated 07.03.2019 and 04.06.2019 a decision has been taken to convert the classification of the land allotted to the Petitioner from Devasthan Inam land to Occupancy Class-I right land.

7. Now, from 04.06.2019 nearly five and half months have been lapsed. The status of the land allotted to the Petitioner has still not been changed.

8. The problem which the Petitioner faces is to resettle his family and claims that he needs to sell some land to settle his children. The Petitioner cannot do so in view of the limitations attached to the land allotted.

9. Thus, we dispose of the Petition directing that if within two months from today the nature of the land allotted to the Petitioner from the category of Devasthan Inam land is not converted into a land having occupancy class-I right, alternative land of Occupancy Class-I right shall be allotted to the Petitioner within four months from today. The Petitioner would return possession of the allotted land to him simultaneously. In case an alternative land is allotted, the Petitioner would not only be put in possession thereof but revenue entries in his name would be effected within the same period of time.

10. No costs.

Pravin
D.
Pandit

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by Pravin D.
Pandit
Date: 2019.11.25
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE