

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 9920 OF 2019

Shri Vishnu Krishna Darwatkar .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Y. B. Lengare for the Petitioner.
Ms. Nisha Mehra, AGP for Respondent Nos.1 to 5.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 8th NOVEMBER, 2019.

P. C. :

1. The case of the Petitioner is that land bearing Gat No.107/A ad-measuring 26.25 Ares in village Bopalghar, District-Pune was acquired for Gunjavni Project as per Award dated 15.01.2002. Compensation in sum of ₹ 92,019/- was awarded to the Petitioner and other co-sharers out of which sum of ₹ 19,016/- was deducted for alternate land. A certificate to said effect annexed at Annexure 'A' was issued. The grievance of the Petitioner is that benefit contemplated by the Maharashtra Project Affected Persons Rehabilitation Act, 1999 has not been extended to him in spite of representation made. In similar circumstances, while disposing of Writ Petition Stamp No. 21038 of 2018 and Writ Petition Stamp No. 21037 of 2018, a Division Bench of this Court at Mumbai issued the directions as under :-

“(i) We direct the Deputy Collector (Resettlement), Pune

to examine the cases of the project affected persons herein 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.

(ii) We further direct that the Petitioners to appear before the Deputy Collector (Resettlement), Pune on 28.01.2019 and produce necessary documents along with their Representation claiming benefits. In the event of request made by the Petitioners for grant of time to enable them to furnish the documents, it would be open for the Deputy Collector to grant further time after considering their Representations together with necessary documents.

(iii) The Deputy Collector (Resettlement), Pune shall pass appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioners before the concerned authority.

(iv) In the event, the Deputy Collector (Resettlement) upholds entitlement of Petitioners 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. the 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.

(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 even 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 Sub-section 4 of Section 16 of the Act.”

2. The instant Petition is disposed of passing similar directions requiring Deputy Collector to examine the case of the Petitioner and comply directions (i) to (vi) above noted as directed in Writ Petition filed by the Petitioner with the date 28.01.2019 substituted with the date 27.12.2019.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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