

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

WRIT PETITION NO. 4260 OF 2019

Shri. Sopan Bhikaji Devgirikar

..Petitioner

V/s.

The State of Maharashtra and Ors.

..Respondents

Mr. Y. B. Lengare, for the Petitioner.

Mrs. Madhubala Kajale, 'B' Panel Counsel, for the Respondents.

CORAM : R. M. BORDE & M. S. KARNIK, JJ.

DATE : APRIL 12, 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 land was 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 dismissing 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) We direct the District Resettlement Officer, Pune to examine the case of the project affected person herein with a view to ascertain whether he is project affected person as claimed by him and whether he is entitled to allotment of land under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

(ii) We further direct the petitioner to appear before the District Resettlement Officer, Pune on 03/05/2019 and produce necessary documents along with his representation claiming benefits. The petitioner contends that he has already tendered representation together with documents. Hence, It would be open for the District Resettlement Officer to consider his representation, and if, in the event, there is any

difficulty in tracing said representation, it would be open for the petitioner to tender copy thereof 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;

2. It is informed by the Petitioner that 65% amount of compensation arrived at under the Award has already been deducted toward value of land proposed to be allotted, and as such, there is no necessity to issue notice within the contemplation of Section 16(2) of the Act directing the petitioner to deposit the amount.

3. The District Resettlement Officer shall verify the factual aspect and take appropriate measures in conformity with the provisions of law.

4. In view of above directions, Writ Petition is disposed of.

(M. S. KARNIK, J.)

(R. M. BORDE, J.)