

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

WRIT PETITION NO.5763 OF 2017

Aananda Kashinath Shukhla	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.1267 OF 2019**

Madhukar Nathu Wavhal & Ors.	.. Petitioners
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.5766 OF 2017**

Baban Jagannath Kand	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Anr.	.. Respondents

**WITH
WRIT PETITION NO.5767 OF 2017**

Raghunath Genu Lavange (Since deceased through LRs) Harishchandra Raghu Lavang	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.5768 OF 2017**

Baba Bapu Jadhav (Since Deceased through LRs)	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Anr.	.. Respondents

**WITH
WRIT PETITION NO.5769 OF 2017**

Shankar Rama Kale
(Since deceased through LRs)

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.5794 OF 2017**

Ramdas Shankar Shukhla

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.5903 OF 2016**

Ranjit Narayan Gat & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.5989 OF 2018**

Kashinath Gundiba Tambe
Through P.A. Holder
Satish J.Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.6299 OF 2018**

Kashinath Gundiba Tambe
Through P.A. Holder
Satish J.Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.7377 OF 2019**

Balasaheb Soma Dagade
Through P.A. Holder
Satish J.Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.8026 OF 2017**

Bhagubai Balkrishna Navle

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.9759 OF 2018**

Sudarshan Laxminarayan Rathi & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.10653 OF 2017**

Waman Nivruti Kad & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11034 OF 2017**

Madhukar Pandurang Sonawane

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION (ST.) NO.11463 OF 2019**

Balasaheb Soma Dagade
Through POA Satish J. Gavari & Ors. .. Petitioners
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11649 OF 2017**

Ananda Kashinath Shukhla .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11651 OF 2017**

Sushila Pandurang Sonawane .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11652 OF 2017**

Raghunath Sakharam Jadhav .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11653 OF 2017**

Gaba Dagdu Veer .. Petitioner
Vs.
State of Maharashtra & Anr. .. Respondents

**WITH
WRIT PETITION NO.11655 OF 2017**

Chima Raoji Hambir
(Since deceased through LRs.)

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11656 OF 2017**

Jaisingh Aabha Warpe

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11657 OF 2017**

Sampat Jagannath Kand

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11658 OF 2017**

Babu Bapu Jadhav
(Since deceased through LRs)

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11659 OF 2017**

Baban Keru Kale

.. Petitioner

Vs.

State of Maharashtra & Anr.

.. Respondents

**WITH
WRIT PETITION NO.11660 OF 2017**

Pandharinaath Thaku Bathe	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11662 OF 2017**

Aananda Genu Lavange	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Anr.	.. Respondents

**WITH
WRIT PETITION NO.11663 OF 2017**

Sitaram Ganpat Chaudhari	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11664 OF 2017**

Pradeep Malharrao Bande	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11665 OF 2017**

Surekha Pandurang Sonawane	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11666 OF 2017**

Bharat Shivaji Bendre	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11667 OF 2017**

Krishnabai Haribhau Navle	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11669 OF 2017**

Datta Sahakari Shetki Society Vadgaon Barde Through its Chairman	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11670 OF 2017**

Gulab Aabu Kale (Since deceased through LRs)	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11671 OF 2017**

Sadashiv Pandurqang Sonawane	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.12682 OF 2018**

Dyaneshwar Maliba Shitole
Through POI and Anr.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.12962 OF 2018**

Madhukar Naryan Wagh
(Since deceased thorough LRs) & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.12964 OF 2018**

Haribhau Namdeo Karape & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.14046 OF 2018**

Sarubai Babu Shendge & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.14047 OF 2018**

Kashinath Gundiba Tambe
Through P.A.Holder
Satish J. Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.14048 OF 2018**

Kashinath Gundiba Tambe
Through P.A.Holder
Satish J. Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.14049 OF 2018**

Sarubai Babu Shendge & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION (ST.) NO.31380 OF 2018**

Santosh Keshav Shejwal
Through P.A.Holder
Satish J. Gavari

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION (ST.) NO.34177 OF 2018**

Maruti Genaba Narsale
Through POA.Holder

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.11701 OF 2018**

Sambhaji Shivram Kurhade

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO.2718 OF 2019**

Sachin Sudam Murhe	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2719 OF 2019**

Chandramant Dyneshwar Kurhade	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2721 OF 2019**

Nagesh Nandu Murhe	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.11789 OF 2018**

Madhukar Maruti Gawade	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.13989 OF 2018**

Nandu Shivaji Buchade	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.11465 OF 2019**

Anna Nanabhau Shinde	
Through POA Manohar K. Pathare & Anr.	.. Petitioners
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.13990 OF 2018**

Swami Arjun Jagtap	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.14004 OF 2018**

Eknath Maruti Parkhi	
Through POA Holder	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.14005 OF 2018**

Eknath Maruti Parkhi	
Through POA Holder	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (STAMP) NO.31381 OF 2018**

Baban Damu Parkhi	
Through POA Holder	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.8160 OF 2019**

Ganpati Appa Darekar	
(Since deceased through LRs.)	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.8383 OF 2019**

Kaluram Abu Darekar	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.11464 OF 2019**

Anna Nanabhau Shinde Through POA Holder Manohar K. Pathare & Anr.	.. Petitioners
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.22146 OF 2019**

Balu Ram Lohakare	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.22147 OF 2019**

Sadashiv Shankar Bhintade & Anr.	.. Petitioners
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.22150 OF 2019**

Mahadu Bhujaba Shitole	.. Petitioner
<i>Vs.</i>	
State of Maharashtra & Ors.	.. Respondents

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Mr.Rameshwar Navnath Gite, Advocate for the Petitioner in W.P. Nos.5763/2018, 8026/2017, 11034/2017, 11649/2017, 11651/2017, 11652/2017, 11653/2017, 11655/2017, 11656/2017, 11657/2017, 11658/2017, 11659/2017, 11660/2017, 11662/2017, 11663/2017, 11664/2017, 11665/2017, 11666/2017, 11667/2017, 11669/2017, 11670/2017, 11671/2017, 12682/2018, 5766/2017, 5767/2017, 5768/2017, 5769/2017, 5794/2017.

Manoj Patil a/w. Mr.Jotiram R. Jadhav i/b. Mr.Lengare Y.B., Advocate for the Petitioner in W.P. Nos.1267/2019, 5903/2016, 10653/2017, 12962/2018, 12964/2018.

Mr.Suresh M. Sabrad a/w. Ms.Neha Parte, Advocate for the Petitioner in W.P.Nos.5989/2018, 6299/2018, 7377/2019, 9759/2018, WP Nos. 13898/2018, 13990/2018, 14004/2018, 14005/2018, W.P.(St.)Nos.31380/2018, 31381/2018, 34177/2018, 14048/2017, 14049/2018, 22146/2019, 22147/2019 and 22150/2019 and W.P.Nos.11465/2018, 11463/2019, 11646/2019, 14047/2018..

Mr.Sachin H. Deokar a/w. Mr.Jay S. Patil, Advocate for the Petitioner in W.P. Nos.14046/2018, 8160/2019, 8383/2019.

Ms.Bhavana Punalekar i/b. Ms.Shakuntala Santosh Wadekar, Advocate for the Petitioner in W.P. Nos.11701/2018, 2718/2019, 2719/2019, 2721/2019 and 11789/2018.

G.U. Shinde, AGP for Respondent - State in W.P.Nos.1267/2019, 8160/2019 and WP (ST.) Nos.22146/2019, 22147/2019 and 22150/2019, 2718/2019 and W.P.(ST) Nos.11465/2019.

Mr.Y.D. Patil, AGP for Respondent - State in W.P. Nos.5903/2016 and 11789/2018.

Ms.S.S. Bhende, AGP for Respondent-State in W.P.Nos.5766/2017, 11701/2018 and 14005/2018.

Mr.V.S. Gokhale, "B" Panel Counsel for Respondent - State in W.P. Nos.8629/2018, 8383/2019 and 14004/2018.

Mr.R.S. Pawar, AGP for Respondent-State in WP(ST.) No.11649/2017 and W.P. Nos.2721/2019 and 13990/2019.

Mr.N.C. Walimbe, AGP for Respondent-State in W.P. No.11664/2017 and W.P.(ST.) No.31381/2018.

Mr.P.P. Kakade I/C. Government Pleader a/w. Ms.P.N. Diwan, AGP for Respondent – State in all rest of the Writ Petitions.

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 14, 2019

P.C. :

These bunch of Writ Petitions are filed seeking directions against the Government Authorities to delete the entries of reservation for Project Affected Persons from ‘other rights column’ of the 7x12 Forms/Extracts of the Record of Rights maintained by the Revenue Department of the State Government.

2 The subject lands are stated to be in benefited zone of different projects i.e. Chaskman Project, Bhama Project, Kasarsai Project etc. and notified under Section 11 of the Maharashtra Resettlement of Project Affected Persons Act, 1976 (hereinafter referred to as “the Resettlement Act”) for rehabilitation of Project Affected Persons. It is an admitted position that after the Notifications under Section 11 of the Resettlement Act were issued, either no Notifications under Section 4 of the Land Acquisition Act, 1894, were issued for acquisition of the subject

lands or even if such Notifications were issued, no further steps were taken to complete the acquisition and the acquisition had lapsed. Though the subject lands are not acquired, under the Land Acquisition Act, the Records of Rights continue to show the lands as reserved for Project Affected Persons in the entries of 'other rights column' of 7x12 Forms/Extracts. Thus, in all these matters, though the Notifications under Section 11 of the Resettlement Act were issued prior to year 2001, the subject lands have not been acquired under the Land Acquisition Act.

3 In our view, the entries in the 'other rights column' of 7x12 Forms/Extracts of the Record of Rights as stated above, cannot remain for years together. Upon a Notification being issued under Section 11 of the Resettlement Act, there is a bar under Section 12 from transferring, partitioning or sub-dividing the land without permission being obtained from the State Government. If the State Government is serious about acquiring lands for Project Affected Persons, appropriate steps are required to be taken for acquisition and the acquisition ought to be completed within a reasonable time after the Notification under section 11 of the Resettlement Act is issued. As indicated earlier, in the present matters though the Notifications under section 11

of the Resettlement Act were issued prior to the year 2001, the subject lands have not been acquired under the Land Acquisition Act till date.

4 We have perused the orders passed by different Benches of this Court viz. (i) order dated 17th September, 2013, in the case of ***Smt.Chandrabhaga Nathu Sakhare & Ors. Vs. The State of Maharashtra & Ors.*** (Writ Petition No.5207 of 2013), (ii) order dated 17th October, 2018, in the case of ***Tatyaba D. Ruke Vs. The State of Maharashtra & Ors.*** (Writ Petition No.2821 of 2018), (iii) order dated 23rd February, 2018, in the case of ***Hiraman Chandu Barne Vs. The State of Maharashtra & Ors.*** (Writ Petition No.14265 of 2017). In aforesaid cases, which are similar to the matters in hand, orders have been passed directing the deletion of such entries in 7x12 Extracts. In the circumstances, following the aforementioned orders passed by this Court, we are inclined to allow the present Writ Petitions.

5 The learned AGP on behalf of the State has produced a copy of the Government Resolution dated 5th August, 2019. It speaks about a Review Committee which is to be constituted

under the Chairmanship of the Collector at the District level for taking decision on the deletion of entries made in the 7x12 Extract of the land owners from the benefited zone reserved for rehabilitation of Project Affected Persons. The said Government Resolution sets out the procedure for taking a decision on the deletion of the entries in the 7x12 Extract. The Government Resolution provides that a Report shall be called by the Committee from the Irrigation Project Facility and approval to be obtained from the State Government for deletion of the entries. The said Government Resolution was issued during the pendency of the Writ Petitions. Having perused the State Government Resolution dated 5th August, 2019, we are not inclined to direct the Petitioners to adopt the procedure provided under the said Government Resolution in these pending Petitions. The said Government Resolution does not provide any time-lines within which the Report is to be submitted or for the proposal and decision to be taken by the Committee and the State Government respectively. The said Government Resolution itself acknowledges that for the last 20 to 35 years the land owners from benefited area of projects are facing difficulties in alienating, selling or partitioning their lands. In the circumstances, in all the above pending Petitions, as stated above, we are inclined to follow the

orders that have been passed by various Division Benches of this Court. We accordingly direct the Respondent-Authorities to delete the entries for reservation of Project Affected Persons from 'other rights column' of the 7x12 Forms/ Extracts of the subject lands within four months from the date this order is uploaded. We make it clear that this order shall not in anyway preclude the State Government from acquiring the subject lands in future for rehabilitation of Project Affected Persons, after the deletion of the entries as directed. We expect the State Government to issue a further G.R., interalia, setting out the time-lines for the disposal of Applications which may be made under the aforesaid Government Resolution dated 5th August 2019, which would make the said Government Resolution more workable and obviate the aggrieved land owners from having to approach this Court in future.

7 The Petitions are allowed in the aforesaid terms and to stand disposed of.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)