

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13481 OF 2017

Shivaji Haribhau Murkute and ors. ...Petitioners
vs.
Executive Engineer kukadi Porject and ors. ...Respondents.

Mr. Uday Nighot for the Petitioners.
Mr.R.S.Pawar, AGP. for the State-Respondent Nos. 2 to 6.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 30th JANUARY 2019.

JUDGMENT : (Per R. M. Borde,J.)

1. Heard learned counsel appearing for the parties.
2. Rule, Rule is made returnable forthwith by consent of the parties.
3. This petition is seeking directions to the respondents, claiming their entitlement for allotment of 7 Acres of alternate land as per the provisions of Maharashtra Resettlement of Project

Displaced Persons Act 1976. The agricultural land belonging to petitioners from benefited zone of Manik Dhoh Irrigation Project, Junnar admeasuring 5-Hectors and 13 R land from Village Rajur, Taluka Junnar, District Pune has been acquired. The petitioners were directed to deposit 75% of the amount which according to them has been deposited on 15.3.1989. A notice was issued to the petitioners on 25.1.2016 by the District Resettlement Officer, Pune calling upon them to attend his office along with the necessary documents. It was also informed to the petitioners that the land out of Gut Nos. 31 and 32 has already been allotted to them. Though the petitioners caused appearance before the District Resettlement Officer on given date, no further proceedings were taken up and no order were issued. The respondents by notice dated 30.4.2016 called upon the petitioners to produce certain documents. The petitioners claims that they have complied with the requirements however, by an communication issued on 12.10.2016 they were called upon to

produce a copy of the notice, issued by Rehabilitation authority calling upon them to deposit 75% of the amount. It is the contention of the petitioners that though at no point of time their entitlement has been disputed, the matter has been dragged under one or other pretext and the petitioners have been called upon to produce documents which do not have any relevance for complying with statutory mandate as regards allotment of land towards rehabilitation measure. According to us since the petitioners have deposited 75% of the amount, there does not appear to be any justification for directing them to produce a copy of the notice issued by the concerned authority. The notice issued to the petitioners to deposit 75% of the amount must find place in the original record of the concerned authority and there is no justification for calling upon the petitioners to produce the copies of the record which must find place with the concerned authority. The fact however remains that, no decision is taken till

this date and the claim of the petitioners remained unattended. The factum of deposit of 75% of the occupancy price has not been disputed by the respondents. In these circumstances, we direct the District Rehabilitation Officer to take decision as regards the entitlement of the petitioners for allotment of the land towards the rehabilitation measure as expeditiously as possible and preferably within a period of eight weeks from today. If the petitioners are held entitled for landed property, the same shall be identified in observance of the provisions of the Act and the same shall be allotted to the petitioners and they be put in possession of the allotted land as expeditiously as possible and preferably within a period of six months from the date of taking of such decision.

4. It would be open for the Rehabilitation Officer to deal with the dispute concerning the allotment qua the petitioners and take appropriate decision in accordance with the provisions of the Act. It is clarified that we have not dealt with the issue of quantum of

amount required to be deposited by petitioners and it is for the Resettlement officer to take appropriate decision in the matter, in accordance with law.

5. With the aforesaid directions, writ petition is disposed off.
6. Rule is made absolute in the aforesaid terms.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)