

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

WRIT PETITION NO.1584 OF 2016

Kasam Karim Momin ...Petitioner

Versus

The Collector of Pune & ors. ...Respondents

WITH

WRIT PETITION NO.13964 OF 2017

Kasam Ali Inamdar ...Petitioner

Versus

The Collector of Pune & ors. ...Respondents

Mr.Sanjiv Sawant for the petitioner in WP/1584/2016.

Mr.Sanjiv Sawant, Mr.Abhishekh P. Deshmukh for the petitioner in
wp/13964/2017.

Mr.R.S.Pawar, AGP for respondent nos.1 to 4 – State in
WP/1584/2016 and for respondent nos.1 to 6 in WP/13964/2017.

**CORAM : R.M. BORDE AND
PUSHPA V. GANEDIWALA, JJ.**

DATE : 27th FEBRUARY 2019.

P.C. :

1] The above Writ Petitions 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 Petitioners claim to be project affected persons, whose lands were acquired. It is the

contention of the Petitioners 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 disposing of the Public Interest Litigation No. 171 of 2014 certain directions are issued. These Petitions can be disposed of conveniently by issuing similar directions. Hence, the order:

O R D E R

- (i) There is no controversy as regards the petitioners being project affected persons, and as such they are entitled to claim the benefits in accordance with the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.
- (ii) We further direct that the Petitioners to appear before the District Resettlement Officer, Pune on 13.03.2019 and produce necessary documents along with their Representations 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 District Resettlement Officer to grant further time after considering their Representations 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 Petitioners before the concerned authority;

- (iv) In the event, the District Resettlement Officer upholds entitlement of the 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. 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 expeditiously;
- (vi) It would also be obligatory on the part of the Petitioners to deposit the amount within the time stipulated in the Act. In the event 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 subsection 4 of Section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

2] In view of above directions, both Writ Petitions are disposed of.

3] In view of disposal of the petitions, all pending civil applications, if any, stand disposed of.

[PUSHPA V. GANEDIWALA, J.]

[R.M. BORDE, J.]