

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8186 OF 2018

Hayachand Babasaheb Desai

...Petitioner.

V/s.

Ld.District Collecot of Kolhapur and
ors.

...Respondents.

Mr.Manoj Patil for the Petitioner.

Mr.R.S.Pawar,A.G.P. for the State. Respondent Nos. 1 to 6 and 4A.

Mr.A.P. Pawar for Respondent Nos. 7 and 8.

Mr.Tejas Mahagude for Respondent No.9.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.

DATE : 30th JANUARY 2019.

P.C.:

1. The petitioner is praying for issuance of the appropriate directions to the respondents restraining them from disturbing the physical and peaceful possession of the petitioner in respect of the land admeasuring 2 Hecter 44 R including the possession of acquired land admeasuring of 1 Hecter 17 R in respect of which land according to the petitioner, acquisition proceedings have lapsed by

virtue of the Order dated 9.8.2017 passed by this Court in Writ Petition No.2344 of 2016. It is not a matter of controversy that, acquisition in respect of 1 Hectore 17R land belonging to the petitioner has lapsed and if at all the State Government wants to initiate any proceeding in respect of that property, the property shall have to be taken over in accordance with the provisions of the Act of 2013. The petitioner claims that, some area out of the total holding belonging to the petitioner has been allotted to respondent No.9. There is controversy as regards physical possession of parties over disputed land. According to the respondents the area allotted is out of holding belonging to Hayachand Desai. The petitioner contends that this controversy can be conveniently resolved if the petitioner is permitted to make representation to the District Rehabilitation Officer with further directions to the District Rehabilitation Officer to decide the disputed question by extending opportunity of hearing to the petitioner and respondent Nos. 7 and 8. Respondent No.9 is the allottee in respect of land allotted in view of the order passed by the District Rehabilitation Officer. It would be open for the petitioner as

well as respondent Nos. 7 and 8 to tender joint representation to the District Rehabilitation Officer for resolving the controversy as regards the allotment of land, and the District Rehabilitation Officer after hearing the parties shall take appropriate decision in the matter. If the petitioner and respondent No.7 and 8 makes joint application to District Rehabilitation Officer, the same shall be dealt with by the District Rehabilitation Officer in accordance with law and appropriate order shall be passed as expeditiously as possible and preferably within eight weeks from today, from the date of receipt of the application.

In view of the directions as above, writ petition is disposed off.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)