

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO.18371 OF 2019

Shri. Babulal Tulakchand Marwadi

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Drupad Patil i/by Mr. B. G. Ligade, Advocate for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 & 2.

Mr. Bharat Waghmare, Dy. Collector (Resettlement) Pune.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 3<sup>rd</sup> DECEMBER, 2019

P.C.

1] Heard learned counsel for the parties.

2] On account of land belonging to the Petitioner being acquired for Bhama-Askhed Irrigation Project he was paid the compensation and at that stage, due to ignorance the Petitioner did not realise that if he forgone 65% of the compensation assessed he would have been allotted compensatory land under the Maharashtra Project Affected Persons Act. The Petitioner applied for compensatory land to be allotted and his entitlement was determined as 80 Ares land comprised in Gat No.27/A/1/2B at village Varale, Taluka Mawal, District Pune. The same was allotted to him on 05.10.2004. The Petitioner was called upon to deposit ₹ 2,17,500/-

towards occupancy price. The Petitioner deposited only ₹ 77,561/- on 03.12.2004 and it was directed that the land be demarcated and handed over to him. His problems commenced when the allotment was revoked on the ground that the land bearing Gat No.27/A/1/2B was acquired for rehabilitation of Andhra Project. By that time the Petitioner had already constructed a house on the land allotted to him, though demarcation of the land was yet to be carried out.

3] On 11.07.2007, the Rehabilitation Officer on representation of the Petitioner passed an order declaring that the Petitioner is not entitled for any allotment because 65% compensation was not deducted from the payment made to the Petitioner in pursuant to the Award dated 21.01.2000 and this fact was not noted earlier. The Petitioner approached the Hon'ble Minister of Revenue who called for report from the Collector (Rehabilitation), Pune.

4] Reply filed admits all afore-noted facts and justifies Petitioner's eviction from land comprised in Gat No.27/A/1/2B on account of not paying sum of ₹ 2,17,500/- and the Petitioner is disentitled for any allotment since the amount of 65% compensation was not deducted from the payment received by him from the Award. It is admitted that the notice under Section 16(2A) was not traceable in the office.

5] At this stage, learned counsel for the Petitioner makes a statement that he is ready to deposit the remaining amount of

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occupancy price in terms of the order of allotment dated 05.10.2004. He also makes a statement that he is also ready for deduction of 65% of the amount compensation which was received pursuant to the Award dated 21.01.2000. We see no prejudice being caused to the State Government.

6] Since the Maharashtra Project Affected Persons Rehabilitation Act is a beneficial legislation and keeping in view the illiteracy of the Petitioner, we dispose of the Petition restraining the Respondents from taking possession of land comprised in Gat No.27/A/1/2B situated at village Varale, Taluka Mawal, District Pune upon the condition that within two months from today the Petitioner deposits ₹ 1,39,939/- together with simple interest at the rate of 9% per annum reckoned from 1<sup>st</sup> December 2004 till payment is made, alongwith a sum of 65% of the compensation received by him in terms of the Award dated 21.01.2000.

7] With the aforesaid direction, Writ Petition is disposed of.

**Balaji G.  
Panchal**

Digitally signed by  
Balaji G. Panchal  
Date: 2019.12.04  
15:12:32 +0530

**SMT. BHARATI DANGRE, J**

**CHIEF JUSTICE**