

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.145 OF 2018

Vishnu Dashrath Panasare & Ors. .. Petitioners

Vs.

The Collector, Pune & Ors. .. Respondents

...

Mr. A.P. Kulkarni i/b Mr. Manoj M. Badgujar for the Petitioners.

Mr. K.S. Thorat, A.G.P. for Respondent Nos.1 and 2.

Mr. S.P. Kadam i/b Mr. P.P. Raul for Respondent Nos.13.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 23rd AUGUST, 2019.

P.C:-

1. On 03rd September, 2018, since advance copy of the Writ Petition was served in the office of the Respondents, their counsel appeared and were granted time to reply to the Public Interest Litigation.
2. As no reply has been filed, on 23rd April, 2019 it was directed that reply would be filed. None has been filed.
3. As recorded in the Order dated 23rd April, 2019, the Petition

brought to the notice of the Court that after lands were acquired for a public purpose and after partly utilizing the lands the reminder was returned to the owners from whom the lands were acquired.

4. Information given to the Petitioners under Right to Information Act was that the Department does not have documents pertaining to return of the lands.

5. To be more specific, it is pleaded in the Petition that a decision was taken to increase the storage capacity of Ujani Dam. Lands were acquired not only for the areas which would be submerged due to increase in the height of the Dam but even to rehabilitate the displaced persons.

6. For this, land comprised in Survey Nos.87, 88/1 and 261 in Village Dalaj was acquired. Part of the land comprised in Survey No.88/1 was utilized for rehabilitation and not others. The Petitioners learnt that large portion of acquired lands were returned to the owners. This pertains to the year 2010.

7. It is settled law that under the Land Acquisition Act, 1894, once a land is acquired but possession not taken and compensation not paid, returned thereof has to be by issuing a notification under Section 48 of the Land Acquisition Act, 1894.

8. The Respondents have not produced any notification under Section

48 of the Land Acquisition Act.

9. Thus, we dispose of the Public Interest Litigation directing Respondent No.1 to call for the records pertaining to acquisition of the lands referred to in Paragraph No.5 of the Petition. If the records show that post acquisition, some lands were de-notified, the reference thereof would be confirmed by calling for the records of the notifications issued under Section 48 of the Land Acquisition Act, 1894 and entries made in the Revenue record that de-acquisition pertains to a specific notification. Such lands which have not been de-notified from acquisition would be ensured to be taken possession of by the revenue officers.

10. The Respondent No.1 shall comply with the mandamus issued within six months from today.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)