IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6285 OF 2019

Ramachaandra Chindhu Dangle & Ors. … Petitioners
V/s.
State of Maharashtra & Ors. … Respondents

WITH
WRIT PETITION NO.2157 OF 2019
WITH
WRIT PETITION NO.2168 OF 2019
WITH
WRIT PETITION NO.2226 OF 2019
WITH
WRIT PETITION NO.3075 OF 2019
WITH
WRIT PETITION NO.4882 OF 2019
WITH
WRIT PETITION NO.6261 OF 2019
WITH
WRIT PETITION NO.6262 OF 2019
WITH
WRIT PETITION NO.6263 OF 2019
WITH
WRIT PETITION NO.6264 OF 2019
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WRIT PETITION NO.6265 OF 2019
WITH
WRIT PETITION NO.6266 OF 2019
WITH
WRIT PETITION NO.6268 OF 2019
WITH
WRIT PETITION NO.6269 OF 2019
WITH
WRIT PETITION NO.6284 OF 2019
WITH

WRIT PETITION NO.6286 OF 2019
WITH
WRIT PETITION NO.6292 OF 2019
WITH
WRIT PETITION NO.6293 OF 2019
WITH
WRIT PETITION NO.6294 OF 2019
WITH
WRIT PETITION NO.6298 OF 2019
WITH
WRIT PETITION NO.6299 OF 2019
WITH
WRIT PETITION NO.6304 OF 2019
WITH
WRIT PETITION NO.6305 OF 2019
WITH
WRIT PETITION NO.10298 OF 2018
WITH
WRIT PETITION NO.10330 OF 2018
WITH
WRIT PETITION NO.11180 OF 2018
WITH
WRIT PETITION NO.12092 OF 2018
WITH
WRIT PETITION NO.12097 OF 2018
WITH
WRIT PETITION (STAMP) NO.19782 OF 2018
WITH
WRIT PETITION (STAMP) NO.20242 OF 2018
WITH
WRIT PETITION (STAMP) NO.20262 OF 2018
WITH
WRIT PETITION (STAMP) NO.21003 OF 2018
WITH
WRIT PETITION (STAMP) NO.21008 OF 2018
WITH
WRIT PETITION (STAMP) NO.22149 OF 2018

WITH
WRIT PETITION (STAMP) NO.23266 OF 2018
WITH
WRIT PETITION (STAMP) NO.26143 OF 2018
WITH
WRIT PETITION (STAMP) NO.26152 OF 2018
WITH
WRIT PETITION (STAMP) NO.28931 OF 2018
WITH
WRIT PETITION (STAMP) NO.29015 OF 2018
WITH
WRIT PETITION (STAMP) NO.29410 OF 2018
WITH
WRIT PETITION NO.10296 OF 2018

Machindra Shankar Papal ....Petitioner
V/S
State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.11528 OF 2018

Balasaheb alias Balu Dnyanoba alias
Nathu Deshmukh & Ors. ....Petitioners
V/S
State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.11536 OF 2018

Chandu Kondiba Roundhal ....Petitioner
V/S
State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.3440 OF 2019

Jaywant Laxman Dangale ....Petitioner
V/S
State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.4864 OF 2019

Balasaheb Bajirao Ozerkar & Ors. ....Petitioners
V/S
State of Maharashtra & Ors. ....Respondents

WITH
WRIT PETITION NO.4881 OF 2019

...

Bhau Janku Sable ....Petitioner
V/S
State of Maharashtra & Ors. ....Respondents

Mr. Gaurav Potnis i/b. Ms. Pallavi Potnis for the Petitioners.
Mr. P. P. Kakade, GP a/w. Ms. P. N. Diwan, AGP, for State-Respondents in WP No.6285 of 2019, WP No.2168 of 2019 and other connected matters.
Mr R. S. Pawar, AGP, for State-Respondents in WP 2226 of 2019 and other connected matters.
Ms. S. S. Bhende, AGP, for State-Respondents in WP 4881 of 2019 and other connected matters.
Mr. N. C. Walimbe, AGP, for State-Respondent in WP No. 4882 of 2019 and other connected matters.
Mr. V. D. Patil, AGP, for State-Respondent in WP No.6292 of 2019 and other connected matters.
Shri. V. S. Gokhale, for State-Respondents in 6 other connected matters.

CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.
DATED : 05th JULY 2019

P.C.:

The subject matter of the Petitions relates to project affected persons of Bhama Askhed Project.

2. Learned Counsel for the Petitioners states that the case of the Petitioners would be covered by the order dated 27th October 2016 in Review Petition (Stamp) No.34787 of 2015 (The Collector of Pune & Ors. V/s. Sakharam Tukaram Shivekar & Anr.) and the order dated 27 August 2018 in Writ Petition No.3087 of 2016 (Govind Mahadu Jadhav (decd) Through Lrs. V/s. State of Maharashtra & Ors.).

3. Learned AGPs do not dispute this position.

4. In the circumstances, we pass the following order:

O R D E R

(i) The impugned communication dated 9-04-2018 of the Deputy Collector (Rehabilitation), Pune shall stand set aside.

(ii) We direct the Deputy Collector (Resettlement), Pune to examine the cases of the Petitioners with a view to ascertain whether they are project affected persons as claimed by them and whether they are entitled to allotment of lands under the

provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 or under similar enactments;

(iii) We direct the Petitioners to appear before the Deputy Collector (Resettlement), Pune on 19 September 2019 at 12.30 p.m. The Petitioners shall produce necessary documents in their custody along with Representations. If the Petitioners are not in possession of all the documents, the Deputy Collector (Resettlement), Pune shall grant time of three months to them to produce the relevant documents from the date fixed for appearance;

(iv) In the event, the Petitioners produce evidence to show that their Applications for grant of heirship certificate/succession certificate/probate/letters of Administration are pending, on being satisfied that such Applications are pending, the Deputy Collector (Resettlement), Pune shall extend the time of three months provided in this order and shall grant a reasonable time to enable the Petitioners to obtain necessary grant from the concerned Court;

(v) We direct the Deputy Collector (Resettlement), Pune to consider documents and to pass an order recording brief reasons. The order shall be passed within a period of three months from the date on which time granted to the Petitioners

to produce documents expires. A copy of the order passed by the Deputy Collector (Resettlement) Pune shall be served upon the Petitioners.

(vi) If the Deputy Collector (Resettlement), Pune is satisfied that the Petitioners are the project affected persons or legal representatives of the project affected persons and/or otherwise are entitled to allotment of a land, the State shall ensure that the Collector or appropriate authority of the State immediately issues a notices to the Petitioners under clause (a) of sub-section (2) of section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. Notices shall be issued either by RPAD and/or by hand delivery;

(vii) It will be open for the Petitioners to communicate their willingness to accept the grant of a land within a period of 45 days from the date of receipt of such notices from the Collector/Competent Authority;

(viii) The Petitioners shall deposit with the Collector (Resettlement), Pune, 65% amount of the compensation received by them or their predecessors for the land acquired from them or the likely cost of the land granted to them, whichever is less at the time of payment of such compensation to the Petitioners.

(ix) Needless to add that adjudication will be made by the Deputy Collector (Resettlement), Pune in the light of the discussion made in this order. We clarify that the Petitioners will not be required to produce evidence to show that Applications under sub-section (1) of section 16 of the said Act have been made either by them or by their predecessors. We also clarify that even assuming that the Petitioners or their predecessors in title have made statements before the Land Acquisition Officer stating that they are not interested in allotment of alternate land, such statements shall not amount to waiver of their right of allotment of land by way of Rehabilitation;

4. The Writ Petitions to stand disposed of in the above terms.

(PRAKASH D. NAIK,J.) **(A.A.SAYED, J.)**