

Amk

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

WRIT PETITION (STAMP) NO. 21038 OF 2018

Sakharam Bhau Kavade	.. Petitioner
Vs.	
The Deputy Collector, Rehabilitation Pune & Ors.	.. Respondents

**WITH
WRIT PETITION (STAMP) NO. 21037 OF 2018**

Shripati Ganpati Malekar (since deceased) Through LRs	.. Petitioners
Vs.	
The Deputy Collector, Rehabilitation Pune & Ors.	.. Respondents

Mr. N. P. Deshpande for the Petitioners in both Petitions.
Mrs. Madhubala Kajale, 'B' Panel Counsel/AGP for Respondent Nos.1 to 3-State.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.
DATE : 10th JANUARY, 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 dismissing 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:

ORDER

(i) We direct the Deputy Collector (Resettlement), Pune to examine the cases of the project affected persons herein 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.

(ii) We further direct that the Petitioners to appear before the Deputy Collector (Resettlement), Pune on 28.01.2019 and produce necessary documents along with their Representation 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 Deputy Collector to grant further time after considering their Representations together with necessary documents.

(iii) The Deputy Collector (Resettlement), Pune shall pass appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioners before the concerned authority.

(iv) In the event, the Deputy Collector (Resettlement) upholds entitlement of 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. the 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.

(vi) It would also be obligatory on the part of the Petitioner 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 sub-section 4 of Section 16 of the Act.

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

[V. L. ACHLIYA, J.]

[R. M. BORDE, J.]