

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION ST NO. 20163 of 2019**

Kondu Ganapati Kedari deceased,
through his legal heirs Maruti
Kondiba Kedari and ors

.. Petitioners

Versus

The Deputy Collector,
Rehabilitation, Pune and ors

.. Respondents

...

Mr. NitinP. Deshpande for the petitioners.

Mr. M.M. Pabale, AGP for respondent nos.1 to 4.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 27th NOVEMBER, 2019

P.C:-

1 As per the writ petitioners, late Kondu Ganapati Kedare was the owner of 42 Are land comprised in Gut No.275, 12.1 Are in Gut No.359 and 10.1 Are in Gut No.360, Village Kusgaon, Taluka Maval, District Pune.

2 On his death, his son Maruti Kondiba and daughter Kamlabai and Draupadibai were recorded in the Revenue Tribunal as the successors in interest and vide award published on

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15th March 1991, 64.2 Are land belonging to the three siblings was acquired for Kesarsai Project.

3 On the death of Draupadbai, her children Shivaji, Rupali, Saurabh and Sonu inherited the interest in the estate of their maternal grand-father which included the right to the benefit of compensatory land under the Maharashtra Resettlement Project Affected Persons Act.

4 Pleading that the writ petitioners are willing to deposit in the treasury 65% of the compensation received by them on acquisition of 64.2 Are land for Kesarsai Project, the grievance raised in the petition is that the First Respondent : the Deputy Collector, Rehabilitation Pune has taken new steps to consider the claim of the petitioners and pass necessary orders.

5 Thus, we dispose of the petition issuing a mandamus to the Dy. Collector, Rehabilitation Pune to consider the entitlement of the petitioners under the Maharashtra Resettlement Project of Affected Persons Act concerning 64.2 Are land acquired for Kesarsai Project. The necessary order shall be passed by the First Respondent within three months from today.

6 Should the petitioners be held entitled for compensatory land, the same shall be indicated in the orders with

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reference to the Gut Number in the revenue record. Upon the petitioners depositing 65% of the compensation received by them for their acquired lands, they shall be put in possession of the allotted land within four weeks of the deposit of the compensation in the treasury by the petitioners.

7 Needless to state the revenue entries would be affected showing the ownership of the petitioners qua compensatory land allotted.

8 No costs.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE