

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

WRIT PETITION NO.2783 OF 2019

...

Dattu Kondu Shinde ...Petitioner

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2784 OF 2019

...

Popat Kashinath Roundhal ...Petitioner

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2785 OF 2019

...

Pandurang Chindha @ Chandrakant
Shingote & Ors. ...Petitioners

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2786 OF 2019

...

Maruti Bhagu Roundhal & Ors. ...Petitioners

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2787 OF 2019

...

Rambhau Gopala Bhalsingh ...Petitioner

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2788 OF 2019

...

Dattu Rambhau Kudekar & Ors. ...Petitioners

v/s.

The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2789 OF 2019

...
 Balwant Laxman Dangle ...Petitioner
 v/s.
 The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2790 OF 2019

...
 Dinkar Haribhau Dongale ...Petitioner
 v/s.
 The State of Maharashtra & ors. ...Respondents

WITH

WRIT PETITION NO.2791 OF 2019

...
 Ramdas Ganpat Roundhal ...Petitioner
 v/s.
 The State of Maharashtra & ors. ...Respondents

...
 Mr.Gaurav Potnis I/b Pallavi Potnis for the Petitioners.
 Mr.R.S.Pawar, AGP for the State.
 Ms.P.N.Diwan, AGP for the State in WP/2791/2019.

...
CORAM : A.A. SAYED &

PRAKASH D. NAIK, JJ.

DATED : 03 JUNE 2019

P.C.:

Learned Counsel for the Petitioners states that the case of the Petitioners would be covered by the order dated 27 August 2018 passed by the Division Bench of this Court in Writ Petition No.3087 of 2016 (Govind Mahadu Jadhav (decd) Through Lrs. V/s. State of Maharashtra & Ors.).

2. Learned AGPs do not dispute this position.

3. In the circumstances, we dispose of the Writ Petitions by passing the following order:

ORDER

(i) The impugned communication dated 9-04-2018 of the Deputy Collector (Rehabilitation), Pune (page 141 of the Petition) 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 August 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 stand disposed of in the above terms.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)