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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12679 OF 2018

Shri Yesaba Bala Patil
since deceased through his legal
heir: Sakharam Yesaba Patil

.. Petitioner

Versus

The Collector and Deputy Director
for Rehabilitation & Ors.

.. Respondents

Mr. Pradeep D. Dalvi for Petitioner.
Mr. K. S. Thorat, AGP for Respondents-State.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 26, 2019.

P.C.

1. Notwithstanding advance copy of the Writ Petition being served upon the Respondents and formal notice received in Court on 27.03.2019, no counter affidavit has been filed and this compel us to dispose of the Writ Petition treating the pleadings therein as admitted on account of non-traverse thereof.

2. Petitioner's father late Yesaba Bala Patil who unfortunately died on 01.04.2010 owned agricultural lands which came to be acquired for the Doodhganga Irrigation Project and he

became entitled to be considered for allotment of land as a project affected person under the Maharashtra Project Affected Persons Rehabilitation Act, 1989.

3. Entitlement of the Petitioner's father for compensatory land was 1 Hectare 43 Ares. Recognizing Petitioner being sole legal heirs of his deceased father, land ad-measuring 0.42 Ares in Gat No. 1195 at village Kasaba Sangaon and land ad-measuring 0.10 Ares in Gat No. 438 at village Mudshingi was allotted to the Petitioner leaving behind a shortfall of 0.40 Ares.

4. Vide order dated 15.04.2011, the Additional Collector, Kolhapur allotted 0.40 Ares of land comprised in Gat No. 675 in village Sangavade, Taluka Karveer, District Kolhapur and the grievance in the Writ Petition is that inspite of reminders sent on 10.02.2012, 19.08.2014 and 13.07.2017, the 1st and 2nd Respondents are not putting the Petitioner in possession of the said 0.40 Ares of land.

5. We see no reason why the entitlement of the Petitioner under the Rehabilitation Act be not satisfied and would be pained to note that the lands of the father of the Petitioner were acquired more than a decade ago.

6. We dispose of the Writ Petition issuing a mandamus

that the Petitioner be put in possession of the land allotted to the Petitioner vide letter of allotment dated 15.04.2011 issued by the Additional Collector, Kolhapur. Entries recording Petitioner's ownership be made in the revenue record.

7. Mandamus shall be complied with within six months from today. Should the Petitioner be required to comply with any codal formalities, the same shall be informed to the Petitioner within three weeks from today so that the Petitioner could do the needful within two weeks from receipt of the communication.

8. No costs.

Pravin
D.
Pandit

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by Pravin D.
Pandit
Date: 2019.11.27
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE