

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8998 OF 2019

...

Patilbua Namdev Kaudare
 through his heirs
 Santosh Patilbua Kaudare & Ors.

...Petitioners

v/s.

The Deputy Collector,
 Rehabilitation, Pune
 and ors.

...Respondents

WITH

WRIT PETITION NO.8999 OF 2019

...

Gajabai Bhika Hundare
 through her heirs
 Saveleram Bhika Hundare & Ors.

...Petitioners

v/s.

The Deputy Collector,
 Rehabilitation, Pune
 and ors.

...Respondents

WITH

WRIT PETITION NO.9000 OF 2019

...

Bhika Mahadu Korde
 through his heirs
 Hiranman Bhika Korde & Ors.

...Petitioners

v/s.

The Deputy Collector,
 Rehabilitation, Pune
 and ors.

...Respondents

WITH

WRIT PETITION NO.9001 OF 2019

...

Ganpat Mahadu Korde
 through heirs
 Pandurang Ganpat Korde

...Petitioner

v/s.

The Deputy Collector,

Rehabilitation, Pune
and ors.

...Respondents

WITH
WRIT PETITION NO.9002 OF 2019

...

Aanaji Limba More
through heirs
Limbaji Bhagaji More
v/s.

...Petitioner

The Deputy Collector,
Rehabilitation, Pune
and ors.

...Respondents

WITH
WRIT PETITION NO.9003 OF 2019

...

Baban Janaji Pokharkar
through heirs
Eknath Baban Pokharkar
v/s.

...Petitioner

The Deputy Collector,
Rehabilitation, Pune
and ors.

...Respondents

...

Mr.Nitin P. Deshpande for the Petitioners.
Ms.S.S.Bhide, AGP for State in WP/8999/19.
Mr.R.S.Pawar, AGP for State in WP/9000/19.
Mr.Y.D.Patil, AGP for State in WP/9001/19.
Ms.P.N.Diwan,AGP for State in WP/9002/19.
Mr.N.C.Walimbe, AGP for State in Wps/8998 & 9003/19.

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**CORAM : A.A. SAYED &
PRAKASH D. NAIK, JJ.
DATED : 20 AUGUST 2019**

P.C.:

The subject matter of the Petitions pertains to project affected persons of Chaskaman Irrigation Project.

2. It is not in dispute 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.).

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

ORDER

(i) 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;

(ii) We direct the Petitioners to appear before the Deputy Collector (Resettlement), Pune on 14 October 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;

(iii) 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;

(iv) 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.

(v) 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;

(vi) 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;

(vii) 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.

(viii) 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.)