

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11759 OF 2016

Smt.Kusum Manik Shitole and 56 others
through their Power of Attorney holder

Balasaheb Tukaram Shitole

Petitioners

versus

The State of Maharashtra and others

Respondents

Mr.Sumit Kothari i/by Shriram S.Chaudhari for Petitioners.

Mr.N.C.Walimbe, AGP, for Respondents 1 to 4 State.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 1st October 2019

PC :

1. The Petitioners seek deletion of entries of reservation for the project affected persons from the other rights column of 7/12 extract of the land admeasuring 4 hector from and out of land bearing Survey Nos.98/1/1, 98/1/2 and 98/1/3 situate at Kasarsai, Tal. Mulshi, District Pune.

2. The Petitioners have placed reliance upon order of this Court dated 22nd July 2016 in Writ Petition No.8540 of 2016 (Vijay Kailas Bhosale Vs. State of Maharashtra and others) and order dated 21st August 2019 in Writ Petition No.8811 of 2018 (Suresh Nathu Bhintade Vs. The Divisional Commissioner, Pune and others). The subject matter of the said Writ Petitions pertains to the same project, as in the present Petition.

3. Learned AGP does not dispute that the issue raised in the present Petition is covered by the aforesaid orders passed in Writ Petition Nos.8540 of 2016 and 8811 of 2018.

4. We accordingly direct the Respondent no.2 to issue necessary directions to his officials to delete the entries of reservation for the project affected persons from the other rights column of 7/12 extract of the lands mentioned in prayer clause (b) of this Petition, which reads as under :

“(b) That by an appropriate writ, order or direction, this Hon’ble Court be pleased to direct the Respondent No.2 to direct his officers to delete the entries of reservation for the project affected persons from the other rights column of the 7/12 extract of the land admeasuring 4 Hector from and out of land bearing Survey Nos.98/1/1, 98/1/2 and 98/1/3, situate at Kasarsai, Taluka Mulshi, District Pune.”

5. The Writ Petition is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST