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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 222 OF 2019

Shri Vitthal Manaji Kamble

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Sumit V. Khaire for Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 and 2.

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

NOVEMBER 26, 2019.

P.C.

1. Heard learned Counsel for the parties.
2. The case of the Petitioner is that he is a project affected person entitled to the benefit of compensatory land under the Maharashtra Project Affected Persons Rehabilitation Act.
3. The basis of the claim is that 2 Acre 35 Ares land belonging to the Petitioner in village Pande, Taluka – Bhore,

District – Pune was acquired for Veer Dam Project and to fulfill his claim for compensatory land, he submitted an application on 13.08.2015 demanding land in Gat No. 71/2 at village Lingali and land comprised in Gat No. 53/5 at village Gopalwadi, Taluka – Daund, District – Pune.

4. Processing the application, the District Resettlement Officer passed an order on 30.10.2015 allotting land in the two Gat numbers and the two villages referred to in the Petitioner's application dated 13.08.2015. The allotment was in the name of the Petitioner.

5. The grievance is to the Petitioner not being handed over possession of the land comprised in Gat No. 71/2 at village Lingali, the land allotted to the Petitioner in village Gopalwadi has been handed over to the Petitioner.

6. The reason why land comprised in Gat No. 71/2 at village Lingali is not being handed over to the Petitioner is that said land came to be allotted to one Dhondiba Rajaba Pasalkar, who having died, his legal heirs filed Regular Civil Suit No. 500 of 2015 in the court of Civil Judge, Senior Division, Baramati pleading that their predecessor-in-interest was a project affected

person when his lands were acquired for Warasgaon Dam and to satisfy his compensatory claim, land comprised in Gat No. 71/2 at village Lingali was allotted to him.

7, In the Suit it is pleaded that the allotment of land comprised in Gat No. 71/2 in the name of the Petitioner is fraudulent.

8. It is noted with regret that the State authorities did not realize that it is a case of double allotment of the same parcel of land resulting in unnecessary litigation.

9. Orders passed by the Civil Court were challenged before the Appellate Court and the matter reached this court by way of proceeding *inter se* between the parties took place before the revenue authorities.

10. The solution is simple.

11. Entitlement of the Petitioner as a project affected person to compensatory land is not in dispute. Allotment of compensatory land to Dhondiba Rajaba Pasalkar as a project affected person is also not in dispute.

12. The claim of both has to be satisfied.

13. Thus, we dispose of the Petition directing the 2nd Respondent to pass an order concerning land comprised in Gat No. 71/2 at village Lingali and the order would record whether said land stands allotted to the Petitioner or late Dhondiba Rajaba Pasalkar. This would satisfy the claim of one of the two rival claimants. The order would further record how the claim of the other claimant is to be satisfied. Meaning thereby, to the other claimant another parcel of land having equivalent area would be allotted and the said person would be put in possession of the allotted land with revenue entries made recording the said allotment.

14. The said order would be passed within eight weeks from today and needless to state claim of the petitioner and the legal heirs of late Dhondiba Rajaba Pasalkar shall stand satisfied when the order is passed and implemented. An *inter se* proceedings between the parties shall deem to be abated when said order is passed and is implemented.

Pravin D.
Pandit

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Pandit
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE