

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11002 OF 2019

Late Vitthal Jijaba Minde (through
legal heir – Namdev Vitthal Minde) .. Petitioner

Vs

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

ALONG WITH
WRIT PETITION NO.10997 OF 2019

Late Ambu Jayram Shinde (through
legal heir - Ananda Ambu Shinde) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

ALONG WITH
WRIT PETITION NO.10998 OF 2019

Maruti Lavha Waghmare (Mahar) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

ALONG WITH
WRIT PETITION NO.10999 OF 2019

Late Kondaji Bhikaji Kadlag (through
legal heir – Sakhubai Kondaji Kadlag) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11000 OF 2019**

Late Dula Kashiba Bangar (through
legal heir – Borabai Dula Bangar) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11001 OF 2019**

Late Anjanabai Panga Parhad (through
legal heir – Dattatray Pangaji Parhad) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11003 OF 2019**

Late Paraji Baburao Rode (through
legal heir – Ashok Paraji Rode) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11004 OF 2019**

Barku Kashiba Bangar .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11005 OF 2019**

Late Ganpat Shripati Kadam (through
legal heir – Balu Ganpat Kadam) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11006 OF 2019**

Late Baban Maruti Kumbhar (through legal
heir – Harishchandra Baban Suryavanshi).. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11007 OF 2019**

Late Bhiva Dhondu Padhar (through
legal heir – Vitthal Bhiva Padhar) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11008 OF 2019**

Krushna Dhondu Padhar .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11009 OF 2019**

Late Dhondu Gahina Pokharkar (through
legal heir – Ramdas Yashvant Pokharkar) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.11010 OF 2019**

Mahadu Kushaba Burud .. Petitioner

Vs.

The Deputy Collector, Rehabilitation, Pune & Ors.	..	Respondents
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**ALONG WITH
WRIT PETITION (ST.) NO.16095 OF 2019**

Santosh Kisan Ghonge & Anr.	..	Petitioners
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Vs.

The Deputy Collector, Rehabilitation, Pune & Ors.	..	Respondents
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**ALONG WITH
WRIT PETITION (ST.) NO.16096 OF 2019**

Jijabhau Devala @ Devram Burud & Anr.	..	Petitioners
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Vs.

The Deputy Collector, Rehabilitation, Pune & Ors.	..	Respondents
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**ALONG WITH
WRIT PETITION (ST.) NO.26143 OF 2019**

Late Vitthal Bhikaji Kadlag (through legal heir–Smt. Laxmibai Vitthal Kadlag) ..		Petitioner
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Vs.

The Deputy Collector, Rehabilitation, Pune & Ors.	..	Respondents
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**ALONG WITH
WRIT PETITION (ST.) NO.26194 OF 2019**

Ananta Sambha Rode .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.26195 OF 2019**

Late Babu Khandu Pokharkar (through
legal heir–Laxman Baburao Pokharkar) .. Petitioner

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.35139 OF 2018**

Late Raghunath Nilkanth Kadam (through
legal heir–Jagannath Raghunath Kadam) .. Petitioner

Vs.

The Dist. Collector, Satara
& Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.8018 OF 2019**

Genbhau Raghunath Wayandekar
since deceased, through his legal heirs
Balu Genbhau Wayandekar & Ors. .. Petitioners

Vs.

The Deputy Collector,
Rehabilitation, Pune District & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.8020 OF 2019**

Ankush Krishna Kedari
since deceased, through his legal heirs
Govind Ankush Kedari & Ors. .. Petitioners

Vs.

The Deputy Collector,
Rehabilitation, Pune & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.8575 OF 2019**

Ananta Mahipati More & Ors. .. Petitioners

Vs.

The Deputy Collector,
Rehabilitation, Pune District & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.26477 OF 2019**

Joti Krishna Mengane
since deceased, through his legal heirs
Krishna Joti Mengane & Ors. .. Petitioners

Vs.

The Deputy Collector,
Rehabilitation, Kolhapur & Ors. .. Respondents

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Mr. Nitin Deshpande for the Petitioner.

Mr. P.P. Kakade, Government Pleader with Ms. Nisha Mehra,
A.G.P. for the Respondent-State.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 05TH NOVEMBER, 2019.

P.C:-

1. The case of the Petitioners is that land owned by them was acquired to the extent mentioned in the Writ Petitions and the grievance is to the benefit contemplated by the Maharashtra Resettlement of Project Affected Persons Rehabilitation Act, 1989 not being extended to them in spite of numerous representations made.

2. In similar circumstances, while disposing of Writ Petition (St.) No.21038 of 2018 and Writ Petition (St.) No.21037 of 2018, a Division Bench of this Court at Mumbai issued the directions as under:

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“(i) We direct the Deputy Collector (Resettlement), Pune to examine the cases of the project affected persons herein 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.

(ii) We further direct that the Petitioners to appear before the Deputy Collector (Resettlement), Pune on 28.01.2019 and produce necessary documents along with their Representation claiming benefits. In the event of request made by the Petitioners for grant of time to enable them to furnish the documents, it would be open for the Deputy Collector to grant further time after considering their Representations together with necessary documents.

(iii) The Deputy Collector (Resettlement), Pune shall pass appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioners before the concerned authority.

(iv) *In the event, the Deputy Collector (Resettlement), upholds entitlement of Petitioners for allotment of land, it would be necessary for the said authorities to take further steps in pursuance of the decision and necessary steps shall be taken as early as possible and preferably within six months from the date of such decision.*

(v) *It is needless to mention that the Respondent-authority shall have to follow the procedure under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 i.e. the issuance of notice to the Petitioners calling upon them to express their willingness in respect of allotment of land and on receipt of communication to the notice by the concerned authority, to take further steps.*

(vi) *It would also be obligatory on the part of the Petitioners to deposit the amount within the time stipulated in the Act. In the event of any difficulty in respect of allotment of land, it would be obligatory on the part of the authorities to*

observe the procedure prescribed by law and to pass appropriate orders within the contemplation of Sub-section 4 of Section 16 of the Act.”

3. Instant Petitions are disposed of passing same directions requiring the Deputy Collector of the concerned Districts to examine case of the Petitioners and apply directions (i) to (vi) above noted as directions in the Writ Petitions filed by the Petitioners, within the date 28th January, 2019 substituted by the date 16th December, 2019.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)