

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1505 OF 2020

Vinayak Kushaba Vadghule & Ors. ...Petitioners
Versus
The State of Maharashtra & ors. ...Respondents

Ms. Neha R. Parte a/w Mr. Amey C. Sawant i/b Mr. Suresh M. Sabrao, for
the Petitioners.
Mr. S.B. Kalel, AGP for the Respondent Nos.1 to 6-State.

**CORAM : A. A. SAYED &
ANUJA PRABHUDESSAI, JJ.
DATED : 17 FEBRUARY 2020**

P.C.:

1 The substantive prayers in the Writ Petition read as follows:

“b) 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 land bearing Gat No.387, admeasuring 2 Hectares and Gat No.388, admeasuring 38 Ares, situated at village Takli Bhima, Taluka Shirur, District Pune and owners of another village land bearing Gat No.875 admeasuring 1 Hectares and 37 Ares and situated at Nimgaon Mahalungi as per the order dated 17.10.2018 passed by this Hon’ble Court in Writ Petition No.2821 of 2018;

c) by an appropriate writ, order or direction, this Hon’ble Court be pleased to hold and declare that the restrictions imposed u/s. 12 is lapsed, in view of total non compliance of the provisions of Section 13, 14 and 15 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999

(earlier known as Maharashtra Resettlement of Project Displaced Persons Act, 1976);”

2. It is not in dispute that the issues raised in this Petition are similar to the issues raised in Writ Petition No.10552 of 2019 and would be covered by the order dated 28th January, 2020 passed in the said Writ Petition No.10552 of 2019. Paragraphs 4 to 6 of the order dated 28th January, 2020 reads as under :-

“ 4. We note the following observation of this Court in the order dated 14th August, 2019 passed in Writ Petition No.5763 of 2017 :-

“ 5. We expect the State Government to issue a further G.R., interalia, setting out the time-lines for the disposal of Applications which may be made under the aforesaid Government Resolution dated 5th August, 2019, which would make the said Government Resolution more workable and obviate the aggrieved land owners from having to approach this Court in future. ”

There is no further GR issued by the State Government.

5. In the circumstances, following the aforementioned orders passed by various Benches of this Court, we direct the Respondents to delete the entries of ‘reservation of Project Affected Persons’ from other rights column of the 7x12 Forms/Extracts of the subject land within 4 months from today. We make it clear that this order shall not in anyway preclude the State Government from acquiring the subject lands in future

for rehabilitation of Project Affected Persons, after deletion of the entries as directed.

6. *The Writ Petition is allowed in the aforesaid terms. "*

3. In the circumstances, we pass the following order :-

ORDER

(a) We direct the Respondents to delete the entries of "reservation of Project Affected Persons' from other rights column of the 7x12 Forms/ Extracts of the subject land within 4 months from today. We make it clear that this order shall not in anyway preclude the State Government from acquiring the subject lands in future for rehabilitation of Project Affected Persons, after deletion of the entries as directed.

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

(ANUJA PRABHUDESSAI, J.)

(A. A. SAYED, J.)