

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2576 OF 2016

Smt. Tulsabai Uttam Yeole & Anr.

.. Petitioners

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. A. G. Damle, Senior Advocate i/by Mr. Vijay Killedar for
Petitioners.

Mr. M. M. Pabale, AGP for Respondent Nos.1 and 2.

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

FEBRUARY 03, 2020

P.C.

1. On 06.01.2020, while deferring hearing of the Writ
Petition we had passed the following order :-

*“1. Shri Bharat Waghmare, Deputy Collector
Rehabilitation, Pune is present in person with the
record. With reference to the record he admits
that Petitioner No.1 deposited ₹ 25,305/- when
land comprised in Block Nos.1181/2 and 1260/2*

was allotted to Petitioner No.1 and that said amount is the full amount which was required to be deposited. Shri Bharat Waghmare further states that upon revoking the allotment order pertaining to land comprised in Block Nos.1181/2 and 1260/2 the Petitioner No.1 would be entitled to compensatory land of equivalent area.

2. Learned Senior Counsel for the Petitioners seeks an adjournment to obtain instructions from the Petitioner No.2 whether said Petitioner would be agreeable to re-put in possession of such alternative land which would be allotted in the name of Petitioner No.2 in lieu of land comprised in Block No.1181/2.

3. List Writ Petition after four weeks.”

2. Learned Senior Counsel for the Petitioners informs that he has obtained instructions from Petitioner No.2 who has agreed to be given possession of such alternative land which would be allotted by the Respondents in the name of Petitioner No.1 or 2 in lieu of land comprised in Block No. 1181/2.

3. The relevant facts are that the 1st Petitioner owned land in village Telgaon, District Beed which was acquired for the Majalgaon Project under the Jaikwadi Irrigation Scheme. Being entitled to be allotted compensatory land under the Maharashtra

Project Affected Persons Rehabilitation Act, 1999, Petitioner No.1 was allotted land comprised in Block Nos.1181/2 and 1260/2. She paid money required for the allotments to fructify.

4. Land allotted to the 1st Petitioner in Block No. 1260/2 was cancelled on 17.11.2009. It was followed by a cancellation order dated 01.10.2010 cancelling allotment of both Blocks on the ground that the 1st Petitioner did not deposit 65% of the amount required to be deposited. On 28.09.2015, the 2nd Petitioner purchased the land comprised in Block No. 1260/2.

5. The Respondents now admit that the 1st Petitioner had deposited ₹ 25,305/- in the treasury of the Resettlement Officer, Khed because the said amount was not accepted by the office of the District Collector, Beed.

6. Since the Respondents have agreed to allot alternative land in lieu of Block Nos. 1181/2 and 1260/2 we dispose of the Writ Petition directing the Respondents to allot land equivalent to the land which was comprised in Block No.1181/2 in the name of the 1st Petitioner and put the 1st Petitioner in possession thereof. We further direct the Respondents to allot land equivalent to land comprised in Block No. 1260/2 in the name of 2nd Petitioner and put the 2nd Petitioner in possession thereof.

7. We declare that no further amounts have to be paid by either Petitioner. We further direct that on allotment of land and possession thereof being handed over to the Petitioners, mutations would be effected in 7/12 extract. Needful shall be done by the Respondents within eight weeks from today.

Pravin D.
Pandit

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE

Digitally signed
by Pravin D.
Pandit
Date: 2020.02.04
10:42:45 +0530