

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 47 OF 2017**

Rameshg Narsinh Kulkarni .. Petitioner
Versus
District Collector, Solapur District,
Solapur and others .. Respondents

...

Mr. Uday Warunjikar i/b Anant Wadgaonkar for the petitioner.
Ms.Nisha Mehra, AGP for respondent nos.1 to 6.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 3rd JANUARY, 2020.

P.C:-

1 Having heard learned counsel for the parties and having perused their pleadings, the Writ Petition has to be disposed of remanding the claim of the petitioner to be re-adjudicated upon by the second respondent.

2 Case of the petitioner is that the ancestral land belonging to the petitioner was acquired in village Komalwadi as also Jinti. The petitioner made an application as a projected affected person under the Project Affected Persons Rehabilitation Act, 1999 to be allotted compensatory land.

3 The claim was processed. Compensatory land was

not allotted on the reasoning that post acquisition holding of the petitioner was adequate and said process of the reasoning was founded on the fact that land in village Jinti (which was an acquired land) was as in the holding of the petitioner.

4 There are obviously two errors. The first is in treating as if only land in village Komalwadi was acquired thereby considering the entitlement of compensatory land with reference to land acquired only in village Komalwadi. The second is to ignore the acquisition of land in village Jinti thereby resulting in a further error being committed.

5 These facts not being in dispute, the petition is disposed of quashing the communication dated 1st October 2015. A direction is issued to the second respondent to re-decide the application filed by the petitioner and while so doing to take into account that land of the petitioner was acquired not only in village Komalwadi but even village Jinti.

6 The second respondent is directed to comply with the mandamus issued by this Court within three months from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE