

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.97784 OF 2020

Rekha Suresh Javale	
@ Rekha Manohar Mhaske & Ors.	...Petitioners
v/s.	
The State of Maharashtra & Ors.	...Respondents

....

Mr. Sachin H. Deokar for the Petitioners.
Ms. A.A. Purav, AGP for the Respondent/State.

...

**CORAM : A.A. SAYED &
S.P. TAVADE, JJ.**

DATED : 17 DECEMBER 2020

P.C.:

- . Leave to amend. Amendment to be carried out forthwith.
- 2 The Petition has been filed for seeking the following reliefs:
- “(b) that 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 1 Hectare 60 Ares and 2 Hectare 61 Ares from and out of Gat No.698, admeasuring 6 Hectares, situated at village Alegaon Paga, Taluka Shirur, District Pune;

c) that 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);

3 Pursuant to the Notification under section 11 of the Maharashtra Resettlement of Project Affected Persons Act, 1976, entries were made in the 7x12 forms/extracts in respect of the subject lands in the other rights column in the year 1997/1998 showing the said lands as reserved for project affected persons. No acquisition proceedings, however, were initiated by issuing Notification under section 4 of the Land Acquisition Act. The entries however are till date reflecting in the 7x12 forms/extracts.

4 The issues raised in the Petition are squarely covered by the order dated 17 September 2013 in Writ Petition No.5207 of 2013; Order dated 17 October 2018 in Writ Petition No.2821 of 2018; Order dated 14 August 2019 in Writ Petition No.5763 of 2017 (alongwith connected matters) and Order dated 17 February 2020 in Writ Petition (Stamp) No.1567 of 2020. Hence, we pass the following order:

ORDER

. 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 lands 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.

ii) The Writ Petition is allowed in the aforesaid terms.

(S.P. TAVADE, J.)

(A.A. SAYED, J.)