

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.12587 OF 2018

Vishwanath Bhikaji Tawade
(Since Deceased) through LRs. .. Petitioner

Vs.

The Collector and Dy. Director for
Rehabilitation & Ors. .. Respondents

...

Mr. Kedar P. Lad i/b Mr. Pradeep D. Dalvi for the Petitioner.

Mr. Y.S. Khochare, A.G.P. for Respondent Nos.1 to 3.

...

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

DATED : 30th JANUARY, 2020.

P.C:-

1. Ex-A dated 10th August, 2016 is the order proving that land owned by one Vishwanath Bhikaji Tawade was acquired for Doodhganga Project and he became entitled to compensatory land under the Maharashtra Project Affected Persons (Rehabilitation) Act, 1976 and that the entitlement was processed with the order recording that to satisfy his entitlement he was

allotted 1 Hectare and 57 Ares land. This was not in full satisfaction of his entitlement. He was further allotted 0.40 Ares land.

2. The grievance is that in spite of the order the entitlement has not been completely satisfied, in that, 0.40 Ares land referred to in the order has not been given possession of.

3. Vishwanath Bhikaji Tawade, as pleaded in the Petition, has died. It is pleaded that he was survived by three sons : Sudhir; Avinash; and Jagdish. From the Memorandum of Parties, it emerges that even Sudhir has died. It emerges that even Avinsah has died. It emerges that Kedar is the son of Avinash. Whether Sudhir left behind Class-I heirs or not has not been pleaded.

4. What we intend to highlight is that who should be put in possession of 0.40 Ares land referred to in Ex-A is not emerging with clarity.

5. Be that as it may, the entitlement of Vishwanath Bhikaji Tawade has to be satisfied and his heirs who survive today are entitled to be put in joint possession of the said land unless there are relinquishment or transfer of title by one or more than one in favour of others.

6. Thus, we dispose of the Writ Petition directing Respondent No.2 to satisfy the entitlement of late Vishwanath Bhikaji Tawade with respect to the order, Ex-A and upon receipt of an Application with proof of the date of death of Vishwanath Bhikaji Tawade and his legal heirs with further proof of death of other legal heirs and their survivors, the possession be handed over to the heirs of Vishwanath Bhikaji Tawade.

7. Needful shall be done within twelve weeks of receipt of proper Application with accompanying documents.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)