

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

WRIT PETITION NO. 12000 OF 2016

Chandar Bhau Patil

.....Petitioner

v/s.

The Collector, Kolhapur and ors.

.....Respondents

Mr. Uday Nighot for the Petitioner.

Mr. V.S. Gokhale, 'B' Panel Counsel for the State / Respondent

Nos.1 to 5.

**CORAM: A.A. SAYED, AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 14th FEBRUARY, 2020.

P. C. :-

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

" (b) On perusal of the same this Honourable Court be pleased to direct Respondents to delete the mutation entry No. 3884 dated 6.8.2013 recording the remark in other rights column of Gat No. 381 of the Petitioner, situated at village Siddharneli, Taluka Kagal, District Kolhapur, that 81 Are land out of Gat No. 381 totally admeasuring 2H and 49 Are is reserved for project affected persons of Dudhganga Project by recalling the order dated 6.8.2013 passed by Respondent No.3.

(c) This Honourable Court be pleased declare that, the impugned notification dated 2.11.1978 issued under section 11 of Maharashtra Resettlement Project Displaced Persons Act, 1976 by the Respondent No.1 is lapsed and or not applicable to the said land i.e. 81 R land out of Gat No. 381 (p) of Petitioner in view of provision of section 24(2) of the New Acquisition Act 2013 as no proceeding for acquisition of said land of Petitioner is initiated for last more than 35 years from 2.11.1978. "

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. Paragraph 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.

Preeti
H.
Jayani

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signed by
Preeti H.
Jayani
Date:
2020.03.06
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(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)