

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.2639 of 2021**

Shantinagar Zopadpattidharak Sangh through  
its President – Advocate Amol K. Kotiwale and ors. ....Petitioners

**Versus**

The Competent Authority & Deputy Collector,  
Land Acquisition Officer No.11, Krushna Khore,  
Solapur and ors. ....Respondents

Dr. Ramdas P. Sabban, advocate for the petitioners.

Mr. S. B. Kalel, AGP for the State.

Mr. Rakesh L. Singh along with Ms. Heena Shaikh i/b. M. V. Kini and Co.,  
advocate for respondent No.3.

**CORAM : PRASANNA B. VARALE &  
S. M. MODAK, JJ.**

**DATE : 17<sup>th</sup> NOVEMBER, 2021.**

**P.C. :**

1. Heard Dr. Sabban, learned counsel for the petitioners.

2. The petitioners are challenging the order dated 20<sup>th</sup> January, 2020. The principal prayer in the petition is prayer clause (a) whereby the petitioners raised a challenge to the order passed by the Competent Authority & Deputy Collector, Land Acquisition Officer No.11, Krushna Khore, Solapur – respondent No.1 in the present petition. Learned counsel for the petitioners invited our attention to certain documents

placed on record and submitted that the petitioners were occupying the premises i.e. part of land bearing survey No.98A and 98B situated at village – Kasabe(Shelgi), Tal. North Solapur, District – Solapur. Learned counsel for the petitioners submitted that some petitioners have erected hutments for residence, whereas some petitioners have constructed small tin sheets shops for earning their livelihood. It is submitted that the premises were occupied since long time. In support of all these statements, our attention was invited to documents placed on record at Exhibit 'A', page 33 i.e. copy of gazette notification dated 4<sup>th</sup> April, 1991 as well as list of occupants under the caption "Shantinagar Zopadpatti Solapur Mahanagar Pallika". It is also submitted by learned counsel for the petitioners that a list placed on record at pages 34 to 39 is certified list through the competent authority of Solapur Municipal Corporation and this information was sought for by approaching the Corporation under the Right to Information Act. A receipt to that effect is placed on record at page 40. Learned counsel for the petitioners submitted that the petitioners have received certain amounts under Section 3G of the National Highways Act, 1956. He further submitted that the petitioners are entitled to get all the resettlement benefits as displaced person under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and more particularly under Section 31 of the said Act.

3. It may not be necessary for us to refer to the provisions in detail. Suffice to say that the petitioners though were claiming benefits under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the competent authority merely on the ground that there was an objection raised by the original land owner vix. Shri Basavraj Gurappa Deshmukh, rejected the claim of the petitioners.

4. It is the submission of the learned counsel for the petitioners that the authority ought to have considered the provisions of the Act qua the fact that these petitioners were the occupants of the land for a considerable long period and Section 31 of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is couched in a way so as to provide benefits to the affected families and the petitioners can certainly claim benefits under the term “affected families”. The submission of the learned counsel for the petitioners is that all these aspects were not properly considered by the authority and the authority mechanically and by adopting hyper technical approach passed the order. It is submitted by learned counsel for the petitioners that in similar circumstances, this Court, *vide* order dated 16<sup>th</sup> September, 2021, in writ petition No.2637 of 2021, directed the competent authority to decide the representation of the petitioners within

a stipulated period. Learned counsel for the petitioner further submitted that the petitioners herein be permitted to approach the competent authority by submitting a detailed representation with appropriate prayers afresh and let this representation be decided by the authority within two weeks.

5. As the petitioners have expressed their willingness to approach the authorities afresh, we deem it appropriate to dispose of the petition by passing the following order :

**ORDER**

- (1) The petitioners are permitted to approach the authorities by submitting a detailed representation with appropriate prayers within two weeks from today.
- (2) If such representation is submitted to the competent authority within two weeks, the competent authority to decide the same as expeditiously as possible and not later than eight weeks from the date of receipt of such representation.
- (3) If the petitioners pray for an opportunity of hearing, the authority may consider such prayer.
- (4) We further make it very clear that this Court has not made any observation on the merits of the petition and reference made in our order is only to the submissions of learned counsel for the petitioners which should not be treated as

accepted by this Court and the authority shall consider the representation independently on its own merits.

The petition, accordingly, stands disposed of.

6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

**( S. M. MODAK, J.)**

**(PRASANNA B. VARALE, J.)**