

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

WRIT PETITION (ST.) NO. 92290 OF 2020

Narayan Ramji More
(since deceased through his legal heirs)
Punaji Narayan More and Another ... Petitioners
Versus
The Deputy Collector,
Rehabilitation, Raigad and Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 92302 OF 2020**

Gunaji Balu Bhosale
(since deceased through his legal heir)
Laxman Gunaji Bhosale ... Petitioner
Versus
The Deputy Collector,
Rehabilitation, Raigad and Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 92310 OF 2020**

Laxman Kondu Kadam
(since deceased through his legal heirs)
Narayan Laxman Kadam ... Petitioner
Versus
The Deputy Collector,
Rehabilitation, Raigad and Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 92316 OF 2020**

Rama @ Ramji Jivaji Uttekar
(since deceased through his legal heirs)
Shivaji Ramji Uttekar ... Petitioner
Versus
The Deputy Collector,
Rehabilitation, Raigad and Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 92322 OF 2020**

Raghunath Shripat Bhosale	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 98080 OF 2020**

Maruti Lakshman Rajgude @ Sakpal (since deceased through his legal heirs) Sakhubai Maruti Sakpal & Ors.	...	Petitioners
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 99890 OF 2020**

Savji Naru Kolgude @ Bhosale (since deceased through his legal heirs) Leelabai Ganpat Jadhav	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 99891 OF 2020**

Chandru Daji Jadhav (since deceased through his legal heirs) Rajendra Chandru Jadhav	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 99892 OF 2020**

Babaji Ramji Jadhav (since deceased through his legal heirs) Kashinath Babaji Jadhav	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION NO. 770 OF 2021**

Krishna Raghu Jadhav (since deceased through his legal heirs) Rukmini Waman Jadhav	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

**WITH
WRIT PETITION (ST.) NO. 3335 OF 2021**

Maruti Balu Jadhav (since deceased through his legal heirs) Shantabai Kashiram Bhosale	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation, Raigad and Ors.	...	Respondents

.....

Mr. Nitin P. Deshpande a/w Kanchan Phatak for the Petitioners.
Mr. R.P. Kadam, A.G.P. for the State in WP (St.) Nos.92290 of 2020 and 92302 of 2020.
Mr. A.P. Vanarse, A.G.P. for the State in WP (St.) Nos.92310 of 2020 and 92316 of 2020.
Mr. C.D. Mali, A.G.P. for the State in WP (St.) Nos.92322 of 2020 and 98080 of 2020.
Ms. P.J. Gavhane, A.G.P. for the State in WP (St.) Nos.99890 of 2020 and 99891 of 2020.

Mr. S.S. Panchpore, A.G.P for the State in WP (St.) Nos.99892 of 2020 and WP/770 of 2021.

Mr. V.S. Gokhale, 'B' Panel Advocate for the State in WP (St.) Nos.3335 of 2021.

.....

CORAM : **K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : **5th MARCH, 2021.**

P.C. :-

1 Heard learned Counsel for the parties.

2 By these Writ Petitions under Article 226 of the Constitution of India, the Petitioners are seeking directions against the Additional Collector, Satara, to prepare the report regarding the Petitioners' proposal for alternate land as project affected persons under the Maharashtra Project Affected Persons' Rehabilitation Act, 1999 and allot the land immediately.

3 The learned Counsel Mr. Nitin P. Deshpande appearing on behalf of the Petitioners submits that the Petitioners predecessor land was acquired by the State some time in 1959. Since, then the Respondents failed and neglected to provide alternate land to the Petitioners as per the said Act. Hence, the Petitioners made application dated 25.09.2017 to the Respondent-Collector for allotment of land.

4 The learned Additional Government Pleaders appearing on behalf of the Respondent-State submits that the present Petitions are filed by the Petitioners after more than 55 years from the date of acquisition of the land. There is no explanation for laches on the part of the Petitioners. They submit that on the basis of laches only, the present Petitions required to be dismissed with costs. In support of this contention, he relies on the judgment of Division Bench of this Court (Coram : A.A. Sayed and Smt. Anuja Prabhudessai, JJ.) dated 17.01.2020 in Writ Petition No.12287 of 2017 relies on paras 4 and 5 of the said order which reads thus :

*“4. On the point of delay, learned Counsel for the Petitioner has relied upon the judgments in the case of **Tukaram Kana Joshi and Ors. Through Power of Attorney Holder vs. M.I.D.C. and Ors. AIR 2013 SC 565; and Vidya Devi vs. The State of Himachal Pradesh and Ors., MANU SC 16 2020.** So far as the judgment in the case **Vidya Devi** (supra) is concerned, as stated in paragraph 11 of the said judgment, the Supreme Court has interalia exercised its extraordinary jurisdiction under Article 142 of the Constitution. Insofar as the case of **Tukaram Kana Joshi** (supra) is concerned, in paragraph 12 of the said judgment itself it has been held that no hard and fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party, who moves it after*

considerable delay and is otherwise guilty of laches.

5. *A 3-Judge Bench of the Supreme Court in the case of State of Maharashtra vs. Digamber, (1995) 4 SCC 683 , has held in para 26 as follows:*

“26. Thus, when the writ petitioner (respondent here) was guilty of laches or undue delay in approaching the High Court, the principle of laches or undue delay adverted to above, disentitled the writ petitioner (respondent here) for discretionary relief under Article 226 of the Constitution from the High Court, particularly, when virtually no attempt had been made by the writ petitioner to explain his blameworthy conduct of undue delay or laches. The High Court, therefore, was wholly wrong in granting relief in relation to inquiring into the allegation and granting compensation for his land alleged to have been used for scarcity relief road works in the year 1971-72. As seen from the judgment of the High Court, the allegation adverted to above, appears to be the common allegation in other 191 writ petitions where judgments are rendered by the High Court following the judgment under appeal and which are subject of SLPs in this Court that are yet to be registered. We have, therefore, no hesitation in holding that the High Court had gone wholly wrong in granting the relief which it has given in the judgment under appeal,

and judgments rendered following the said judgment in other 191 writ petitions, said to be the subject of SLPs or otherwise. All the said judgments of the High Court, having regard to the fact that they were made in writ petitions with common allegation and seeking common relief, are liable to be interfered with and set aside in the interests of justice even though only learned counsel appearing for a few writ petitioners were heard by us.”

6 The learned Counsel for the Petitioners in support of this case relies on the order dated 29.10.2020 passed by Division Bench of this Court Justice A.A. Sayed and Surendra P. Tavade in Writ Petition (Stamp) No.94519 of 2020 with other connected matters, directing the concerned Additional Collector to decide the case of the project affected persons as early as possible.

7 When this Court declined to enter the present Writ Petitions, the learned Advocate for the Petitioners submits that the Petitioners may be permitted to withdraw the Writ Petitions unconditionally. To that effect he has given in writing. The same is taken on record and marked 'X' for identification. Same is accepted.

8

Hence the following order is passed :

- i) Writ Petitions stand dismissed as withdrawn unconditionally.
- ii) No order as to costs.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)

Waishali
S.
Waghmare

Digitally
signed by
Waishali S.
Waghmare
Date:
2021.03.09
23:40:03
+0530