

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

WRIT PETITION NO. 2061 OF 2021

Machindra Genba Deokar ... Petitioner

Versus

The Deputy Collector Resettlement Pune & Ors. ... Respondents

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Mr. Siddharth S. Chapalgaonkar a/w Kanchan C. Phatak i/b Nitin P. Deshpande for the Petitioner.

Ms. S.S. Bhende, A.G.P. for the Respondent-State.

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

**DATE : 22nd JUNE, 2021.
(V.C.)**

P.C. :-

1 Heard learned Counsel for the parties.

2 By consent of both the parties, matter is taken on board for final disposal at the stage of admission.

3 Rule. Rule is made returnable forthwith.

4 By this Petition under Article 226 of the Constitution of India, the Petitioner seeks direction against the Respondents to delete the entries from 7/12 Extract in respect of the land admeasuring 0.40

Hectors bearing Gat No.467, Village Deokarwadi, Taluka Daund, District Pune, which shows that the land is reserved for the project affected persons.

5 The learned Counsel for the Petitioner submits that the Respondents neither acquired the land nor paid any compensation. He submits that because of the entry in 7/12 Extract, it is not possible for them to take any steps in their interest in respect of the said property. Therefore, they preferred the present Writ Petition for direction to the Respondent-State to delete the entry of “reservation of project affected persons” from the other rights column of the 7/12 Extract of the subject land within particular time.

6 The learned Counsel for the Petitioner submits that in similar matters this Court directed the Respondents to delete the said entry within stipulated time. He relies on the order dated 17.02.2020 passed by this Court (Coram : A.A. Sayed and Anuja Prabhudessai, JJ.) in Writ Petition (Stamp) No.1567 of 2020 (Appellate Side) *Devidas Kashinath Tilekar vs. The State of Maharashtra and others*.

7 In view of these facts, the learned Counsel for the Petitioner submits that this Hon’ble Court be pleased to allow the present Writ Petition with direction to the Respondents.

8 On the other hand, the learned A.G.P Ms. S.S. Bhende appearing on behalf of Respondent-State submits that the Government has issued Resolution dated 05.08.2019 and constituted a Review Committee to look into the matters for taking decision on the deletion of entries made in 7/12 Extract if the land is not acquired. He submits that the Petitioner can approach the said Committee for the same relief. He further made a statement across the bar that the said Committee is working in the District. Therefore, there is no question of entertaining the present Writ Petition.

9 At this stage, the learned Counsel Mr. Siddharth S. Chapalgaonkar appearing on behalf of the Petitioner submits that the Petitioner may be permitted to file appropriate application before the Review Committee constituted by the Government as per Resolution dated 05.08.2019 for the same purpose. He submits that the Committee may be directed to take decision as early as possible but in any case within six weeks from the date of filing of the application.

10 We heard both the sides at length. It is to be noted that alternate efficacious remedy is available to the Petitioner for the same cause of action. Government has constituted Review Committee as per Resolution dated 05.08.2019. Not only that the Additional

Government Pleader made a statement across the bar that Review Committee is functioning in Pune District and they can take the decision on its own merits.

11 In view of these facts, we are of the opinion that the Petitioner can be directed to make an appropriate application before the Review Committee for the same cause of action so that Review Committee can decide the same as early as possible.

12 Hence the following order is passed :

- a) Petitioner is permitted to file the appropriate application before the Review Committee for deleting the entries of “reservation of project affected persons” from the other rights column of the 7/12 Extract of the subject land i.e. admeasuring 0.40 Hectors bearing Gat No.467, Village Deokarwadi, Taluka Daund, District Pune.
- b) If the application is made, the Review Committee to decide the said application on its own merits as early as possible but in any case within eight weeks from the receiving date of application and communicate the decision to the Petitioner in writing.

- c) If the Committee failed to take decision within stipulated time as stated above, Revenue Authority is directed to delete the entry of “reservation of project affected persons” from 7/12 extract of the subject land involved in the present matter immediately.
- d) With these directions, Rule made absolute accordingly.
- e) No order as to costs.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)