

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3668 OF 2020

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Rajaram Tukaram Bhujbal & Ors. ...Petitioners
v/s.
The State of Maharashtra & Ors. ...Respondents

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Mr. Suresh M. Sabrad a/w Neha Parte for the Petitioners.
Ms.A.A.Purav, AGP for the Respondent/State.

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**CORAM : A.A. SAYED &
S.P. TAVADE, JJ.**
DATED : 04 JANUARY 2021

P.C.:

. The Petition has been filed seeking the following reliefs:

“(b) by an appropriate writ, order or direction, this Hon'ble Court be pleased to direct the Respondent No.2 to direct his officers to delete the entries of reservation for the project affected persons from the other rights column of the 7/12 extract of the land bearing Gat No.1145/1 admeasuring 1 Hectare 24 Ares, Gat No.1145/2 admeasuring 3 Hectares 26 Ares, Gat No.1181 admeasuring 38 Ares and Gat No.502 admeasuring 1 Hectare and delete the entries of remark reservation for the Gunjavani Project, all situated at Mouje Talegaon Dhamdhere, Taluka Shirur, District Pune, as per the order dated 17-2-2020 passed by this Hon'ble Court in Writ Petition No.1505 of 2020;

c) by an appropriate writ, order or direction, this Hon'ble Court be pleased to hold and declare that the restrictions imposed u/s. 12 is lapsed, in view of total non compliance of the provisions of Section 13, 14 and 15 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 (earlier known as Maharashtra Resettlement of Project Displaced Persons Act, 1976);

2 The Petitioners claim to be owners of the subject lands. Pursuant to the Notification under section 11 of the Maharashtra Resettlement of Project Affected Persons Act, 1976 entries were made in the other rights column of the 7/12 forms/extract in the revenue records of the subject lands in the year 2004 showing the said lands as reserved for rehabilitation of project affected persons. No acquisition proceedings, however, were initiated by issuing Notification under section 4 of the Land Acquisition Act. The entries however are till date reflecting in the 7x12 forms/extracts. According to the Petitioners though the subject lands are far away from Gunjavani Project and even though the said lands fall outside the benefited zone of Gunjavani Project, they are wrongly shown as lands reserved for project affected persons for Gunjavani Project.

3 The issues raised in the Petition are squarely covered by the order dated 17 September 2013 in Writ Petition No.5207 of 2013; Order dated 17 October 2018 in Writ Petition No.2821 of 2018; Order dated 14 August 2019 in Writ Petition No.5763 of 2017 (alongwith connected matters) and Order dated 17 February 2020 in Writ Petition (Stamp) No.1567 of 2020. Hence, we pass the following order:

ORDER

. 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 lands 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.

ii) The Writ Petition is allowed in the aforesaid terms.

(S.P. TAVADE, J.)

(A.A. SAYED, J.)