

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3375 OF 2021

Smt.Sunanda S. Rajale] Petitioner.

Vs.

The District Collector, Nashik]

& Anr.] Respondents.

...

Mr.Tejas Deshmukh for petitioner.

Mr.K.S. Thorat, AGP for State.

...

CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.

DATE : 5th AUGUST, 2021.

P.C.

1. Heard learned Counsel for parties.

2. By this petition under Article 226 of the Constitution of India, the petitioner is seeking direction against respondent to comply with order of allotment dated 30th August 2014 passed by them, by which they allotted alternate land to the petitioner, in view of the land owned by the petitioner which has been admittedly, used by the State

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for rehabilitation of residents of Ozer without either acquiring it or even allotting suitable land to the petitioner.

3. Learned A.G.P. Mr.K.S.Thorat for respondent/State filed an affidavit dated 29th July 2021 stating that they decided to allot alternate land to the petitioner. He submits that to hand over physical possession of the said land to the petitioner, they require appropriate order from the concerned authority and for that purpose, they require at least 2-3 months. Not only that, today the learned AGP also filed affidavit of Undertaking dated 4th August 2021 stating that till possession is handed over to the petitioner, they will maintain the said land as it is. Paragraph no.4 of the affidavit dated 4th August 2021 reads thus;

4) I say and hereby undertakes that, I shall obliged to obey the directions of this Hon'ble High Court in its true spirit and shall protect the proposed alternate land bearing Gat Nos.331/1B/2 and 314/3/1/B of village Pathardi, District-Nashik from any encroachment till the final approval is received and allotment and possession is granted to the Petitioner.

4. Considering the submissions made by the learned AGP for respondent and affidavit in reply dated 29th July 2021 and 4th August 2021, nothing survives in the present writ petition.

5. Writ petition stands disposed of in view of subsequent development.

6. No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]