

Trusha T.
Mohite

Digitally signed by
Trusha T. Mohite
Date: 2021.02.25
18:06:22 +0530

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

WRIT PETITION NO.461 OF 2021

Anjanabai Dattatraya Dube

.. Petitioner

vs.

The Dy.Collector,
Resettlement Pune District,
Pune and Ors.

.. Respondents

.....

Mr.Nitin P. Deshpande for the Petitioner

Mr.V.S.Gokale, 'B' Panel Counsel for the State

.....

**CORAM: K.K.TATED &
R.I.CHAGLA, JJ.
DATED : FEBRUARY 22, 2021**

P.C.

. Heard.

2. By this Petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against the Respondents to delete the entry from 7/12 extract of their land admeasuring 2 Hectors 52 Ares bearing Gat No.150 (old Gat no.149, P.O.Rahu, Taluka Daund, District Pune about "Reservation for Project Affected Persons' Rehabilitation."

3. The learned counsel for the Petitioner submits that

neither the Respondents acquired the said land, nor they paid any compensation. He submits that because of the said entry in 7/12 extract, it is very difficult for them to dispose of the said land and or take appropriate action. Hence, he filed the present petition.

4. Learned counsel for the petitioner submits that in similar matters, this Court (A.A.Sayed & Smt.Anuja Prabhudesai, JJ.) by order dated 17.12.2020 in Writ Petition (ST) No.1567 of 2020 Devidas Kashinath Tilekar vs. The State of Maharashtra and Ors. directed State to delete the entries of "Reservation of Project Affected Persons" from other rights column of the 7 x 12 Forms/Extracts of the subject land within four months from the date of order. He submits that in similar way, this Court passed order in the present Petition.

5. The learned A.G.P. for the State submits that the Government of Maharashtra issued Government Resolution dated 05.08.2019. It speaks about the Review Committee which is to be constituted under the Chairmanship of the Collector at the District Level for taking decision for deletion of entries made in 7 x 12 extract of the land owners from the benefited zone reserved for rehabilitation of Project Affected Persons. The said Government Resolution sets out the procedure for taking a decision on the deletion of the entries in 7 x 12 extract. The Government Resolution provides that a Report shall be called by the Committee from the Irrigation Project Facility and approval to be obtained from the State Government for deletion of the

entries. Therefore, there is no question of allowing the present Writ Petition. He submits that at the most, Petitioner can approach the concerned Committee for the same relief.

6. The learned counsel for the Petitioner submits that in view of the Government Resolution No.RPA-2019/PK 151/R-1 dated 05.08.2019, Petitioner be permitted to file appropriate application before the Committee headed by the Collector for same cause of action. He submits that if such application is filed by the Petitioner, in that case, Committee may be directed to decide the same on its own merits as early as possible. He submits that he received instruction from his client to withdraw the present Writ Petition with liberty to file appropriate application before the said Committee. To that effect he has given in writing. Same is taken on record and marked 'X' for identification. Hence, the following order is passed:

a. Petitioner to make appropriate Application before the concerned Committee as per G.R. dated 05.08.2019 for deleting remark from 7/12 extract about "Reservation for Project Affected Persons' Rehabilitation" within three weeks from today.

b. If such Application is filed before the Committee within time, Committee is directed to decided the same as early as possible but in any case within 12 weeks from the date of the said Application, on its own merits and if necessary, after giving hearing to the Petitioner.

c. If decision is not taken by the Committee within stipulated time as stated hereinabove, the concerned Revenue Authority is directed to delete the said entry from 7/12 extract of Petitioner's property immediately thereafter.

d. Writ Petition stands disposed of as withdrawn with liberty as prayed.

e. No order as to costs.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)