

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 581 OF 2019

Tanaji Bhimji Dube & others.

..Petitioners.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Prasad B. Kulkarni for the Petitioners.

Mr. S. L. Babar, AGP for the Respondent-State (R-1 to 4, 7 & 8).

CORAM : PRASANNA B. VARALE &
MADHAV J. JAMDAR, JJ.

Date : **October 25, 2021.**

P. C. :

1. Heard learned counsel for the Petitioners. Learned counsel for the Petitioner submitted that the Petitioners' lands are situated in village Pilanwadi as well as village Dahitne and the details of those lands owned by Petitioners are as under :

(i) Gat Nos.107 and 146 of village Pilanwadi having area admeasuring 1-H 89-R and 1-H 53-R (pot kharba 01-R), total 1-H 54-R respectively.

(ii) Gat No. 224 of village Dahitne area admeasuring 1-H 21-R.

2. It is submitted by learned counsel for the Petitioner that those lands of the Petitioners were acquired for rehabilitation of project affected persons under Bhama Ashked Project. It is then submitted before this Court that though the lands of the Petitioners were acquired and awards were passed in the year 2000, neither the Petitioners are paid compensation nor the physical possession of their lands is taken.

3. Learned counsel for the Petitioners submitted that an

identical issue was raised in Writ Petition No.2312 of 2021 and this Court in its order dated 27th September 2021, by referring to the judgment of this Court in *Laxman Ganapat Lokhande v/s. The State of Maharashtra (WP No. 1117 of 2018)* and *Rajaram Sopan Bhuse v/s. The State of Maharashtra (WP No. 261 of 2019)* dated 14th January 2019, disposed of the Writ Petition with directions to the Respondent-Authorities, particularly the Collector, Pune.

4. On going through the material placed on record as well as the judgment of this Court dated 14th January 2019 in Writ Petition Nos. 1117 of 2018 and 261 of 2019 and the order of this Court dated 27th September 2021 in Writ Petition No. 2312 of 2021, to which one of us was party, we see no reason to take a different view than the view adopted by us in our order dated 27th September 2021.

5. Accordingly, we direct Respondent No.2 – Collector, Pune to direct the concerned officers to delete the entries of reservation for the project affected persons from the other rights column of 7/12 extract of the subject lands owned by the Petitioners, as early as possible and in any case within the period of six weeks from the date of receipt of a copy of this order. It is further made clear that this order shall not in any way preclude the State Government from acquiring the subject lands in future for rehabilitation of project affected persons, in accordance with law.

6. The writ petition is disposed of with the aforesaid directions.

[Madhav J. Jamdar, J.]

[Prasanna B. Varale, J.]