

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4970 OF 2021

Ramesh Bajirao Pawar & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Prabhanjan Gujar, Advocate for the Petitioners.

Ms. A. A. Purav, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
 VINAY JOSHI, JJ.**

DATED : APRIL 12, 2022

P.C.

1. Heard the learned Counsel for the petitioners and the respondents.
2. The question is about the acquisition of the land of the petitioners.
3. The land of the petitioners is not subject matter of award. It appears that the Talathi erroneously mutated the name of the State Government in the revenue record of the land of which the petitioners were the owners. The land of the petitioners was allotted to the Project Affected Persons.
4. The petitioners seek direction to declare the acquisition proceedings in respect of the petitioners' land lapsed and to restore the possession. The affidavit is filed by

the Sub-Divisional Officer, Karad. Relevant part of the affidavit reads thus :

“3. I say that the land of the Petitioner was exempted from the Notification under Section 6 of the Land Acquisition Act 1894 as per Order of Hon’ble Divisional Commissioner, Pune Division Pune and hence the Land of Petitioner was never acquired neither any compensation was paid to him.

4. I say that due to inadvertent error on behalf of Talathi, Pal/Harpalwadi the name of Sate Government was entered in 7/12 extract of Petitioner’s land and it was allotted to the Project Affected Person.

5. I say that as per directions issued by Hon’ble High Court Petitioner is not subject to the slab and hence his land cannot be acquired and if the land is acquired the State will have to face unnecessary litigation and hence I say that this office will allot alternative land to the Project Affected Person to whom the land of Petitioner is allotted. I say that the entry of name of Project Affected Person in 7/12 extract of Petitioner’s Land be deleted and necessary orders be passed in that behalf.”

5. Today, the learned AGP, on instructions of designated officer namely Archana Kalyan Nashte, Deputy Collector, Land Acquisition, Satara makes a statement that possession of the land of the petitioners would be restored to them within six months from today.

6. In view of said statement, we dispose of the writ petition. Further consequential steps be also undertaken by the State Authority.

7. Writ petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)