

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

WRIT PETITION NO.15157 OF 2022

Dagdu Bhagaji @ Bhagu Kadam ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

Mr.G.T. Kanchanpurkar, for Petitioner.
Mrs.Rupali M. Shinde-AGP, for Respondent Nos.1 to 5.

**CORAM : R.D.DHANUKA &
M.M.SATHAYE, JJ.**

DATED : 8th DECEMBER, 2022

P.C. :

1. Rule. Respondents waive service. Rule is made returnable forthwith. With consent of the parties, the matter is taken up for final hearing.

2. In this petition filed under Article 226 of the Constitution of India, the Petitioner seeks direction to the Respondent Nos.4 & 5 i.e. the District Resettlement Officer, Satara and the Resettlement Officer, Alibag, Raigad, to allot land bearing Gat No.495 at Village Roadpali Road, Taluka Panvel, District Raigad, more particularly described in prayer Clause (b) of the petition. The Petitioner further seeks directions to Respondent Nos.2 to 5 to decide representation dated 14.09.2022 made by the Petitioner. The Petitioner is also praying for possession of the land for which he has made representation.

3. Heard learned counsel for the Petitioner and learned AGP for Respondent Nos.1 to 5.

4. It is the case of the Petitioner that his father was owner of a land which was acquired for Koyna dam project and an Award has been passed under the Land Acquisition Act, 1984. The Petitioner claims to be a project affected person. The Petitioner claims that his name is included in the Sanklan Register prepared by the State authorities, which according to him, entitles him to the benefits of rehabilitation.

5. In view of the aforesaid facts and circumstances, we direct Respondent Nos.4 & 5 to decide Petitioner's representation dated 14.09.2022 within a period of eight weeks from today, after giving hearing to the Petitioner, in accordance with law. The Petitioner is at liberty to submit documents in support of his case. Respondent Nos.4 & 5 are directed to decide both eligibility of the Petitioner and availability of land for allotment to the Petitioner, including the land suggested by him in the representation.

6. If the Petitioner's application/representation is allowed, consequential relief sought by the Petitioner, as permissible in law, shall be granted within a period of eight weeks from date of passing of order. If the Petitioner's application/representation is rejected, the Petitioner will be at liberty to file appropriate proceedings, permissible in law.

7. The writ petition is disposed off. Rule is made absolute in the aforesaid terms. No order as to costs.

8. It is clarified that this Court has not expressed any opinion on the merits of the Petitioner's proposal for allotment of alternate land or his entitlement. All contentions of the parties are kept open.

9. All concerned to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(R.D.DHANUKA, J.)