

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

WRIT PETITION NO. 1249 OF 2022

Yashwant Dhandre	..	Petitioner.
v/s.		
The Dy. Collector,		
Rehabilitation, Pune & Others	..	Respondents.
WITH		
WRIT PETITION NO.971 OF 2021		
Dattu G. Balkawade	..	Petitioner.
v/s.		
The Dy. Collector,		
Rehabilitation, Pune & Others	..	Respondents.
WITH		
WRIT PETITION NO.972 OF 2021		
Sahadu G. Naikare	..	Petitioner.
v/s.		
The Dy. Collector,		
Rehabilitation, Pune & Others	..	Respondents.

Mr. Nitin P. Deshmukh, for the Petitioner in all the Petitions.
R. M. Shinde with S.L.Babar, AGP for the Respondent-State in all the Petitions.

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RAJNIKANT
JOSHI

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**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**
DATED : 24th MARCH, 2022.

PC:-

The case of the Petitioner is that land owned by them was acquired to the extent mentioned in the Writ Petitions and the grievance is that the benefit contemplated by the Maharashtra Resettlement of Project Affected Persons Rehabilitation Act, 1989 is not extended to them in spite of representations.

2 In similar circumstances, while disposing of Writ Petition (St.) No.21038 of 2018 and Writ Petition (St.) No.21037 of 2018, a Division Bench of this Court issued directions as under:-

“(i) We direct the Deputy Collector (Resettlement), Pune to examine the cases of the project affected persons herein with a view to ascertain whether they are project affected persons as claimed by them and whether they are entitled to allotment of lands under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

(ii) We further direct that the Petitioners to appear before the Deputy Collector (Resettlement) Pune on 15.12.2020 and produce necessary documents along with their Representation claiming benefits. In the event of request made by the Petitioners for grant of time to enable them to furnish the documents, it would be open for the Deputy Collector to grant further time after considering their Representations together with necessary documents.

(iii) The Deputy Collector (Resettlement), Pune shall pass appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioners before the concerned authority.

(iv) In the event, the Deputy Collector (Resettlement), upholds entitlement of Petitioners for allotment of land, it would be necessary for the said authorities to take further steps in pursuance of the decision and necessary steps shall be taken as early as possible and preferably within six months from the date of such decision.

(v) It is needless to mention that the Respondent-authority shall have to follow the procedure under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 i.e. the issuance of notice to the Petitioners calling upon them to express their willingness in respect of allotment of land and on receipt of communication to the notice by the concerned authority, to take further steps.

(vi) It would also be obligatory on the part of the Petitioners to deposit the amount within the time stipulated in the Act. In the event of any difficulty in respect of allotment of land, it would be obligatory on the part of the authorities to observe the procedure prescribed by law and to pass appropriate orders within the contemplation of Sub-section 4 of Section 16 of the Act.”

3 The Petitions are disposed of passing same directions requiring the Deputy Collector of the concerned Districts to examine case of the Petitioners and apply directions (i) to (vi) above noted as directions in the present Writ Petitions filed by the Petitioners except the date 28th January, 2019 substituted by 15th December, 2020 at 12.00 noon.

4 Writ Petitions are disposed of. No costs.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)