

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

CONTEMPT PETITION NO.197 OF 2020

Vishnu Darku Kalwade

... Petitioner

V/s.

Shri S.M.Gaikwad and ors.

... Respondents

**PRIYA
RAJESH
SOPARKAR**

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by PRIYA RAJESH
SOPARKAR

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WITH

CONTEMPT PETITION NOS.195, 198, 201, 204, 206 OF 2020

CONTEMPT PETITION (ST.)NOS.1102 AND 1126 OF 2021

**CONTEMPT PETITION (ST.) NOS.5253, 5335, 5337, 5339,
5342, 5343, 5350 of 2020.**

**CONTEMPT PETITION NOS.8, 14, 38, 39, 46, 47, 48, 49, 50, 51,
52, 53, 54, 55, 56, 57, 58 OF 2021.**

Mr.Drupad Sopan Patil, Advocate alongwith Mr.B.G.Ligade for the Petitioners in Contempt Petition Nos.197, 195, 198,201, 204 and 206 of 2020, and Contempt Petition (St.)Nos.1102 and 1126 of 2021 and Contempt Petition (St.) Nos. 5253, 5335, 5337, 5339, 5342, 5343, 5350 of 2020.

Mr.Manoj A. Patil alongwith Mr.Jotiram R. Jadhav i/by Mr. Ashish P. Pawar, Advocates for the Petitioners in Contempt Petition Nos. 8,14,38, 39, 46, 47,48, 49, 50, 51, 52,53, 54, 55, 56, 57, 58 of 2021.

Mr.S.S.Panchpor, AGP for the State in all petitions.

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

DATE : 7th APRIL, 2022.

P.C.:-

1. This Court under order dated 28th February, 2013 in Writ Petition Nos.3760 of 2011 with connected writ petitions has passed an order directing the Respondents to ascertain whether the Petitioners are project affected persons as claimed by them and whether are entitled to allotment of lands under the provisions of the as Rehabilitation Act, 1999. This court directed the Petitioners therein to appear before the District Resettlement Officer, Pune on 11th March, 2013. The District Resettlement Officer was directed to take decision upon giving opportunity to the Petitioners. The District

Resettlement Officer was directed to pass order within two months from the date of appearance. This court further directed that if the District Resettlement Officer comes to the conclusion that the Petitioners are project affected persons, are entitled for allotment of suitable lands, the District Collector shall verify that the notices under Section 16(2)(A) of the Act have been served upon the Petitioners. It was further directed that upon the Petitioners showing willingness to deposit 65% of the amount of compensation received by them and on the deposits made by the Petitioners, further process of allotment of lands to the Petitioners shall be completed by the Collector as expeditiously as possible.

2. According to the learned counsel for the Petitioners, the said order of this court has not been followed in true letters and spirit.

3. We have heard Mr.Drupad Patil and Mr.Manoj Patil, the learned counsel for the respective Petitioners and the learned AGP for the Respondents.

4. It is undisputed that pursuant to the orders passed by this court, the hearing had taken place and the Resettlement Officer has come to the conclusion that the Petitioners are the project affected persons and are entitled for the allotment of the alternate lands. The Petitioners have deposited 65% of the amount. The major part of the order stands complied with.

5. The bone of dispute is the allotment of the land. The land of the Petitioners it appears is acquired for Bhama Aaskhed project and they seek allotment of land in the beneficial zone of either Bhama Aaskhed Project or Chashma project. The contention of the learned AGP is that the lands are not available in Chashma project. The persons whose lands are acquired for Chashma project, they are also not fully rehabilitated and in many of the lands of the said projects the name of the Government have been directed to be deleted, the lands are not available.

6. We can understand the difficulty that may be faced by the Resettlement Officer in allotment of lands, more particularly when there are large number of claimants and if the awards acquiring the lands of some of the persons is set aside, the difficulty would be multiplied. However, the rights of claimants also have to be safeguarded and protected. The citizens cannot be left to mercy of the Officers in as much as in one of the affidavits the proposal is made to allot the lands to the Petitioners from District Solapur, Taluka Dond which according to the Petitioners is at the distance of 300 km. The same would be unreasonable and would defy all rationality. If the lands are available for allotment to the Petitioners from the benefited zone of Bhama and/or of Chashma projects, the same may also be considered by the authority.

7. The efforts should be made by the Respondent-Officer to allot the lands in nearby vicinity so that they can use it and would be viable for them to cultivate. The lands of the Petitioners acquired are from Khed Taluka. In the villages from Khed Taluka if the lands are available same can be considered for allotment to the Petitioners. Genuine efforts are required to be made by the Resettlement Officer in that regard. It is submitted that in Merkar village the lands can be offered for allotment. Some of the Petitioners requested lands from Merkar village and the same are available as per one of the affidavits filed by Respondent. However, it is stated that the awards acquiring the properties of those persons have been set aside. Be that as it may, it would be in fitness of things for the Officer to make sincere efforts to allot the alternate lands to these Petitioners who admittedly are the project affected persons and have deposited the amount for the alternate lands, in Khed Taluka and/or at the nearby distance from their residence.

8. We hope and trust that the said exercise shall be done by the Resettlement Officer expeditiously, preferably within six months.

9. Contempt Petitions are accordingly disposed of.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)