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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6729 OF 2022

Ajij Daud Kureshi

...Petitioner

Versus

The State of Maharashtra and Ors

...Respondents

- Adv. Shakuntala S. Wadekar for the Petitioner.
- Adv. V.S. Gokhale, B. Panel, AGP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : JULY 27, 2022.

P. C. :

1. Heard learned Counsel appearing for respective parties.
2. Petitioner is the owner of land bearing Gat No. 277 situated at village Pachgharwadi, Tq. Junnar, Dist. Pune. The claim of the Petitioner is that land belonging to him is situated in the benefited zone of Chilewadi Dam or Left Canal and as such, proceedings for acquisition was initiated and award has been passed. The grievance of the Petitioner is that though the award has been passed way back sometime in the year 2004, neither the compensation is paid nor the possession is taken. The submission is, in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceedings for acquisition deemed to have lapsed.
3. It is submitted that certain similarly circumstance land owners have approached this Court by filing Writ Petitions and this Court allowed

their Writ Petitions. The learned Counsel for the Petitioner invited our attention the judgment passed in those Writ Petition i.e., Writ Petition Nos. 1117 of 2018 and 261 of 2019.

4. Considering the submissions of learned Counsel appearing for the Petitioner and after going through the judgment of this Court cited above, we are of the opinion, that the Counsel for Petitioner was justified in making submissions that the Petitioner is similarly circumstance with those Petitioner, in whose favour the orders are passed.

5. In view of these facts, we see no reason to take a different view than the view taken by the Division bench of this Court in the Petitions as referred above. Accordingly, we direct the Respondents and more particularly, Respondent No. 2 – Collector (Resettlement), Pune to direct his concerned officers to delete entries of reservation for the project affected persons from the other rights column of 7/12 extract of the lands owned by the Petitioner, as early as possible and not later than 6 weeks from the date of receipt of copy of this order.

6. Needless to state that this order shall not in anyway preclude the State Government from acquiring the subject lands in future for rehabilitation of project affected persons, in accordance with law.

7. With these directions, the Writ Petition is disposed of.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)