

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4479 OF 2022

Laxman Hariba Mande
Since deceased through LRs. ... **Petitioner**
Versus
The Deputy Collector,
Rehabilitation Pune & Ors. ... **Respondents**

Mr. Nitin P. Deshpande, Advocate for the Petitioner.

Smt. R. M. Shinde, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
 M. G. SEWLIKAR, JJ.**

DATED : APRIL 26, 2022

P.C.

1. The Petitioner had applied for alternate land being a Project Affected Person. The Petitioner has deposited 75% of the amount, however, the application for alternate land is rejected on the ground that the amount has been deposited belatedly.

2. The learned counsel for the Petitioner submits that at no point of time, the Petitioner was ever served with a notice under Section 16(2)(a) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 (“hereinafter referred to as, **“the said Act”**”).

3. We have heard the learned AGP also.

4. The order impugned does not depict that the Petitioner was ever served with the notice under Section 16(2)(a) of the said Act. In fact, time to deposit the occupancy price would start from the date of service of notice under Section 16(2)(a) of the said Act.

5. In the light of above, following order is passed

ORDER

- (i) The impugned order dated 07.12.2021 is quashed and set aside.
- (ii) The Deputy Collector (Rehabilitation) Pune District, Pune, shall consider the application of the Petitioner for grant of alternate land afresh.
- (iii) In case the Petitioner is not served with notice under Section 16(2)(a) of the said Act, then the application of the Petitioner shall not be rejected on the ground that the occupancy price has been deposited belatedly.
- (iv) The decision shall be taken afresh preferably within four months from today.
- (v) Writ Petition is disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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