

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3560 OF 2022
IN
WRIT PETITION STAMP NO. 1486 OF 2019

ALONG WITH
WRIT PETITION STAMP NO. 1486 OF 2019

Kamal Mahadev Godse ...Applicant/petitioner.

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr. Dhananjayrao Rananaware and Mr. Manjeet Lotankar, Advocate for the
Applicant/Petitioner.

Ms K.N. Solunke, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.

Date : June 10, 2022.

P. C. :

1. Heard learned counsel appearing on behalf of the Applicant –
Petitioner.
2. By way of present application, learned counsel appearing on
behalf of the Applicant has prayed for restoration of writ petition. The
registration of petition was refused under the orders of Registrar (Judicial) for
non removal of office objections. The order was passed by the Registrar
(Judicial) on 27th August 2021.
3. Learned counsel appearing on behalf of the Applicant

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submitted that due to inadvertence, the objection particularly in the nature of placing on record the typed copy of document at page no.22, remained to be supplied. He further submitted that if permission is granted by this Court, the typed copy of said document will be placed on record within a week from today. Learned counsel appearing on behalf of the Applicant then submitted that though the order was passed by the Registrar on 27th August 2021, he came to know about the same on 20th March 2022 and the delay caused in filing application was peculiarly circumstanced and was beyond the control of Applicant-Petitioner, particularly in the nature of outbreak of Covid-19 pandemic. Our attention was invited to the submission made in paragraph 5 of the application in support of seeking prayer for condonation of delay caused in filing application.

4. Considering the reasons assigned in the application as well as considering the submissions of learned counsel appearing on behalf of the Applicant, the application is allowed in terms of prayer clauses (b) and (c) subject to learned counsel appearing on behalf of the Applicant placing on record the typed copy of document at page no.22 within one week from today.

5. We have gone through the contentions raised in writ petition as well as the documents placed on record. Accordingly, we deem it appropriate to restore the petition and take up the same for hearing disposal in view of a limited grievance raised in the petition.

6. It is submitted before this Court that the Petitioner is surviving

legal heir of Motilal Maruti Bagal; and now the Petitioner herself is in her advanced age. The deceased Motiram Maruti Bagal was owner and possessor of an agricultural land to the extent of 1-Hectare 32-Ares; the said land was acquired for the purpose of construction of Yeralwadi dam. The deceased Motiram was declared as project affected person in view of the provisions of Resettlement of Project Affected Persons Act, 1986, particularly section 16 of the said Act. It is then submitted that necessary certificate was also issued. As the only source of living in the nature of land was acquired, the Petitioner who was entitled for allotment of an alternate land, made an application to the Collector, Satara for allotment of alternate land. The Collector, Satara passed the necessary order. But the dispute seems to be about the area of land to which the Petitioner is entitled to. As the grievance was raised before the Collector for allotment of inadequate land, the Collector, Satara thought it fit to call for a report from the subordinate officer, i.e., Tahsildar. Under the directions of Collector, Satara, the competent authority – Deputy Collector, Rehabilitation Satara, forwarded the communication to Tahsildar, Khatav directing Tahsildar, Khatav to submit a self-speaking report by conducting an enquiry at the local level. Copy of the said communication is placed on record at Exhibit-G (page No.23) to the petition.

7. The grievance of the Petitioner is that though Tahsildar, Khatav was communicated to submit a self-speaking report, till the date of filing of present petition no steps were taken by the office of Tahsildar, Khatav so as to comply with the directions contained in communication dated 7th September 2016.

8. The record reveals that after waiting for a considerable period, the petitioner had approached this Court in the year 2019, which after 3 years from the date of communication of the year 2016. Considering all these facts, we deem it appropriate to dispose of the writ petition with following directions :

- 1] The District Collector, Satara (Respondent No.2) to call for the self-speaking report pursuant to the communication dated 7th September 2016, as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order.
- 2] On receipt of the self-speaking report, if the Collector finds that there is an alternate land available so as to allot to the Petitioner as per the provisions of the Resettlement of Project Affected Persons Act, 1986, the Collector Satara may pass the appropriate orders expeditiously.
- 3] We make it clear that this Court has not made any observations on the merits of application for allotment of land and the Collector, Satara is permitted to take decision on calling the report as well as on verifying the record and on his self satisfaction.

[Shrikant D. Kulkarni, J.]

[Prasanna B. Varale, J.]