

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5486 OF 2021

Sadashiv Shankar Kanade

...Petitioner

Versus

Collector & Deputy Director For ...Respondents
Rehabilitation Sangli & Anr.

Mr. Pradeep D. Dalvi for Petitioner.

Ms. A. A. Purav, AGP for Respondent (State).

Ms. Tejaswini Patil, Tehsildar, Rehabilitation, Collector Office, Sangli
present.

CORAM : S. V. GANGAPURWALA, AND
VINAY JOSHI, J.J.

DATE : 17th MARCH, 2022.

P.C.

1. The Petitioner assails the order dated 5th April 2016. Under the said order, the Petitioner is directed to give back 1 H. 63 ares of land.

2. According to the learned counsel for the Petitioner, the Petitioner is allotted the land under two allotment orders dated 18th July 1995 and 28th April 1993. Under these two allotment orders 80 ares land is allotted to the Petitioner. The Petitioner has no objection

for taking away the possession of 1 H. 23 ares of land keeping land Gat No.261 and 359/1B with the Petitioner. The other land may be given in possession of the Respondent-State.

3. The learned AGP submits that the Petitioner is only entitled for 0.40 H.R. land and erroneously the Petitioner is shown entitled to 2.03 H.R. land, the same was erroneous, as such steps have been taken after issuing notice to the Petitioner. The learned AGP submits that the possession of these lands have been taken by the Respondent-Authority.

4. The learned AGP submits that except Gat No.261 to the extend of 0.40 H.R., the possession of other land has been taken by the Respondent-Authority. The said statement is disputed by the learned counsel for the Petitioner.

5. We have considered the submission, it appears that the following lands were allotted to the Petitioner as a Project Affected Persons.

Gat No.	Area (H.R.)
303/12/13/14	0.07
286/1B	0.59
116/1A	0.20

303/11	0.06
261	0.04
303/8/9/10	0.11
553/7	0.20
359/1B	0.40
Total	2.03 H.R.

6. The allotment order it appears is in favour of the Petitioner to the extend of 0.40 H.R. from Gat No.359/1B and another 0.40 H.R. from Gat No.261 part. As far as allotment of 0.40 H.R. land is concerned on account of the acquisition of 0.14 H.R. land of the Petitioner is there cannot be any dispute. The dispute probably appears to be allotment of land on account of acquisition of the land standing in the name of the ancestor of the Petitioner. In the present Petition, there is no clarity as to the area allotted to the other sharers.

7. In light of the above, it would be appropriate for the authority to reconsider of the said aspect, after hearing of the Petitioner.

8. In light of the above we passed the following order:-

- (i). It is made clear that to the extend of 0.40 H.R. land. There is no dispute the Petitioner is entitled for 0.40 H.R. land on account of acquisition of his 0.14 H.R. land.

- (ii). The Authority shall reconsider the entitlement of the Petitioner of another 0.40 H.R. land that was allotted to him on account of the acquisition of the land of his ancestor. The land allotted to other sharers certainly will also have to be considered by authority while arriving at a conclusion.
- (iii). In light of the above, the said decision shall be taken fresh preferably within three months. Depending upon the decision taken further steps be undertaken.
- (iv). Writ Petition is disposed of.

[VINAY JOSHI, J.]

[S. V. GANGAPURWALA, J.]