

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

WRIT PETITION NO. 4966 OF 2021

Raghu Bhagu Dighe

...Petitioner

vs.

The State of Maharashtra

Thr. Principal Secretary Revenue Dept.
and Ors.

...Respondents

Mr. Kishor Patil i/by Mr. Arjun S. Pawar - Advocate for the Petitioner
Mrs. A. A. Purav - AGP for the Respondent Nos. 1 to 6

CORAM :

**R. D. DHANUKA AND
S. M. MODAK, JJ.**

DATE :

16th FEBRUARY, 2022

P. C. :-

1. By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks an Order and direction against Respondent No. 2 to allot and give possession of alternate land as per letter of intent issued by the Respondent No. 3 on 22/05/1998.

2. It is the case of the Petitioner that the Petitioner was partly affected as his land bearing no. 03 Hector 25 Are were acquired.

3. The Respondent No. 3 vide letter dated 16/05/2001 held that the Petitioner is eligible for grant of land admeasuring 01 Hector 60 Are being project affected person. Out of the said area the Respondents have

allotted 00 Hector 80 Are situated at Vidni, Tal. Phaltan and 00 Hector 80 Are is still not allotted to the Petitioner, according to the Petitioner.

4. The case of the Petitioner is vehemently opposed by the State Government by filing detailed affidavit.

5. It is brought on record by the Respondent No. 3 that the Petitioner was allotted the balance 00 Hector 80 Are and more particularly paragraph nos. 2 of the said affidavit. The Petitioner had executed unregistered Visar Pavti dated 17/12/2015 for a consideration of Rs. 5 Lakhs in favour of one Ram Vinayak Kolwadkar. The copy of the said Visar Pavti is annexed at Exh. 'R-1' to the petition. The said document was in respect of the land admeasuring 0 H 23 R out of total 46 Ares in land Gat No. 726 situated at village Pimprad, Tal. Phaltan, District Satara.

6. As regards lands bearing Gat Nos. 726, 782 and 785, it is stated in the affidavit that the 7/12 extracts indicates that the Petitioner had raised loan from Bank of Maharashtra. The Petitioner and others have executed a Registered Partition Deed with respect to the allotted lands, dated 05/06/2013. The Petitioner now claimed land bearing Gat No. 980 at village Pimprad. However, this land is allotted to Chandrakant Narayan and Others.

7. In rejoinder arguments, Mr. Kishor Patil, the learned counsel for the Petitioner tried to canvass before this Court that the Petitioner is a poor

person and had entered into various transactions as recorded in affidavit-in-reply only on paper even without having possession of those lands. He submits that the agreement for sale in favour of Ram Vinayak Kolwadkar did not materialize.

8. The learned counsel for the Petitioner does not dispute that the Petitioner had obtained loan in respect of the said allotted land to the Petitioner and had also executed Registered Partition Deed dated 05/06/2013.

9. We are, therefore, not inclined to accept the submission made by the learned counsel for the Petitioner that all those transactions were carried out without allotment of land and without handing over the possession of the land to the Petitioner.

10. In our view, the Petition is thoroughly misconceived and is a gross abuse of process of law. The writ petition is accordingly dismissed.

11. At the request of Mr. Kishor Patil, the learned counsel for the Petitioner, we are not inclined to impose any cost on the Petitioner with a hope such frivolous proceedings would not be filed by the Petitioner in future.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]