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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5507 OF 2021

Usha Balu Thakar and Anr.	...Petitioners
vs.	
The Deputy Collector Resettlement, Pune District, Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 1016 OF 2022**

Sindhubai Namdeo Mane and Ors.	...Petitioners
vs.	
State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 455 OF 2021**

Ganpat G. Gadekar since deceased Through LR Dattatraya Ganpat Gadekar	...Petitioners
vs.	
The Deputy Collector Resettlement, Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8602 OF 2021**

Prabhakar Gangram Gardare	...Petitioner
vs.	
The Deputy Collector Resettlement, Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 3062 OF 2022**

Ramdas Shankar Todkar and Anr.	...Petitioners
vs.	
State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 4002 OF 2022**

Shantabai Nandu Khaire	...Petitioner
vs.	
Gavkamgar Talathi, Sajjanarayangaon, Tal. Junnar, Dist. Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 4033 OF 2022**

Shyama Balkrishna Jadhav	...Petitioner
vs.	
Gavkamgar Talathi Sajja Vaisakhede and Ors.	...Respondents

**ALONGWITH
WRIT PETITION (ST) NO. 4034 OF 2022**

Ganesh Rabhaji Koymahale	...Petitioner
vs.	
Gavkamgar Talathi Sajja Sakore Belhe and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 5212 OF 2021**

Bapu Mhalu Thombare	...Petitioner
vs.	
The Deputy Collector, Resettlement, Pune, District Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8624 OF 2021**

Ajay Uddhav Narhe and Anr.	...Petitioners
vs.	
The Deputy Collector, Resettlement, Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 5203 OF 2021**

Kaluram Eknath Kushekar

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5204 OF 2021**

Fakkad Chotamal Pardeshi

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5669 OF 2021**

Rajis Husen Shaikh

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5053 OF 2021**

Tanaji Murlidhar Memane

...Petitioner

vs.

The Deputy Collector and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5052 OF 2021**

Bipin Narayan Bhalekar

...Petitioner

vs.

The Deputy Collector and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8621 OF 2021**

Dhanjay Baburao Saste

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune District and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8620 OF 2021**

Yogesh Amruta Wadghule

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8618 OF 2021**

Popat Pandurang Tilekar

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5427 OF 2021**

Dattatray Baban Konde

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8617 OF 2021**

Dattatray Bhikoba Bhujbal and Ors.

...Petitioners

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5469 OF 2021**

Shafik Dulemiya Inamdar

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5466 OF 2021**

Manohar Bhaguji Dhumal

...Petitioner

vs.

The Deputy Collector, Resettlement,

Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 5510 OF 2021**

Sandip Anna Baravkar

...Petitioner

vs.

The Deputy Collector, Resettlement,
Pune District, Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8378 OF 2021**

Rajendra Shivram Thite and Anr.

...Petitioner

vs.

The Deputy Collector, Resettlement,
and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8433 OF 2021**

Kondiba Appa Bhujbal and Anr.

...Petitioners

vs.

The Deputy Collector, Resettlement,
District, Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8644 OF 2021**

Kishor Rohidas Patade

...Petitioner

vs.

Gavkamgar Talathi, Sajjabori
Dk. Tal. Junnal Dist. Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8656 OF 2021**

Ramdas Kundlik Kokate

...Petitioner

vs.

Gavkamgar Talathi, Sajja
Vaisakhede and Ors.

...Respondents

ALONGWITH

WRIT PETITION NO. 8647 OF 2021

Narendra Ramakant Kulkarni	...Petitioner
vs.	
Gavkamgar Talathi, Sajja Wadgaon Sawa Circle and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8642 OF 2021**

Anil Mahadev Kakade and Anr.	...Petitioners
vs.	
Gavkamgar Talathi, Sajja Vaisakhede and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8616 OF 2021**

Laxman Bhaga Mhaske	...Petitioner
vs.	
The Deputy Collector Resettlement and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 138 OF 2022**

Ankush Vishnu Gawade	...Petitioner
vs.	
The State of Maharashtra Thr. Secretary Relief and Rehabilitation and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 130 OF 2022**

Panditlaxman Bhor	...Petitioner
vs.	
The State of Maharashtra Thr. Secretary Relief and Rehabilitation and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8645 OF 2021**

Prakash Baban Dhamdhare
Thr. POA Swapnil Dattatray Bhujbal
and Ors.

...Petitioners

vs.

The Deputy Collector
Resettlement Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 2074 OF 2022**

Raghunath Masku Paygude

...Petitioner

vs.

The State of Maharashtra
and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8639 OF 2021**

Prashant Dasharath Bhujbal and Ors.

...Petitioners

vs.

The Deputy Collector Resettlement
and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8640 OF 2021**

Laxman Dagadu Kedari Thr.
POA Swapnil Dattatraya Bhujbal

...Petitioner

vs.

The Deputy Collector Resettlement
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 8638 OF 2021**

Baburao Dashrath Kedari Thr.
POA Swapnil Dattatray Bhujbal

...Petitioner

vs.

The Deputy Collector Resettlement
Pune and Ors.

...Respondents

**ALONGWITH
WRIT PETITION NO. 6837 OF 2021**

Ghanashyam Jivandas Ahuja and Ors.	...Petitioners
vs.	
National Highway Division	...Respondent

**ALONGWITH
WRIT PETITION NO. 9464 OF 2021**

Sanjay Haribhau Shete	...Petitioner
vs.	
The Additional Collector Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9462 OF 2021**

Santosh Sudam Bhagade	...Petitioner
vs.	
The Additional Collector Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9463 OF 2021**

Ajinkya Mohan Dudhane	...Petitioner
vs.	
The Deputy Collector Resettlement Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9465 OF 2021**

Dattatraya Bhagwat Gholap	...Petitioner
vs.	
The Deputy Collector Resettlement Pune and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 2308 OF 2022**

Vilas Kondiba Gajare & Ors.	...Petitioners
vs.	
The State of Maharashtra & Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 851 OF 2022**

Hanuman Shripati Kool ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.N.P. Deshpande with Ms.Kanchan Pathak for the Petitioners in the above Writ Petitions.

Mr.Prasad B. Kulkarni for the Petitioners in WP No.2308 of 2022.

Mr.Ganesh Bhujbal for the Petitioner in WP No.851 of 2022.

Mr.S. B. Kalel – AGP, Mr.R.S. Pawar, AGP, Mr.S.L. Babar, AGP, Mrs.F.M. Shinde, AGP, Mrs.A.A. Purav, AGP and Mr.V.S. Gokhale “B” Panel Counsel for the Respondent-State in above Wps.

CORAM : R.D. DHANUKA &
S.M. MODAK, JJ.
DATE : 2ND MARCH, 2022.

P.C. :-

1. The matters are mentioned. Not on board. Taken on board by consent of the parties.
2. This batch of petitions have been on board from time to time *inter-alia* praying for an order and direction against the respondents to delete the mutation entries of reservation for the project affected persons from the other rights column of the 7/12 extract of their lands described in the prayers of the petitions and for other reliefs. The petitioners have placed reliance on the judgment of this Court including the judgment delivered on 17th February, 2020 in Writ Petition No.1578 of 2020 in which this Court after adverting to the order passed on 28th January, 2020 in Writ Petition No.10552 of

2019 have directed the respondents to delete the entries of reservation of the 7/12 extracts from other rights columns of 7/12 extract of the subject land within four months from the date of the said order. This Court made it clear that the said order shall not in any manner preclude the State Government from acquiring the subject lands in future for rehabilitation of project affected persons, after deletion of the entries as directed.

3. During the pendency of these petitions, the State Government issued Government Resolution dated 18th January, 2022 and 11th February, 2022 declaring certain norms for deletion of these entries subject to certain conditions prescribed therein.

4. These matters were argued at length before this Court by the learned counsel for the parties on 16th February, 2022 when Mr.Assin Gupta, Secretary of Disaster Management Relief & Rehabilitation, was also present. After hearing the parties and Mr.Assin Gupta, this Court made various suggestions to both the parties in each of the petitions. Mr.Assin Gupta also made various suggestions about the modalities that can be adopted by this Court to minimize inconvenience caused to the petitioners. The matters were directed to be placed on board today.

5. After hearing the parties including the State Government, the parties have agreed as under :-

a). The State Government will complete the process of allotting the lands of the petitioners whose lands are declared in benefit zone for allotment and yet to be allotted to the project affected persons. The State Government has agreed that the process would be completed within six months from today, without fail.

b). It is agreed by and between the parties that if the allotment of land is not issued to the project affected persons for allotment of the lands falling under benefit zone, which are the subject matter of these petitions, the mutation entries effected in the 7/12 extracts towards reservation for project affected persons to be deleted without further reference to the Court within two weeks from the date of expiry of six months. Both the parties have agreed that there would be no extension of time to allot the plots earmarked under the benefit zone to the project affected persons.

c). If the entire process for allotment of land is not over within a period of six months from today, the petitioners whose lands have been placed under the benefit zone, would be at liberty to deal with their plots in the manner they desire. The State Government shall not initiate any acquisition proceedings in respect of these plots after expiry of six months in that event.

d). If these plots which are made subject matter of the notification under section 11 of the Maharashtra Project Affected

Persons Rehabilitation Act, 1976, Maharashtra Project Affected Persons Rehabilitation Act, 1986, or Maharashtra Project Affected Persons Rehabilitation Act, 1999 are allotted to Project Affected Persons before expiry of six months, the State Government to initiate acquisition proceedings under the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 2013 expeditiously and to conclude the same in accordance with the provisions of the said Act. The petitioners shall be informed about the allotment of lands in favour of the project affected persons and / or about proposal of the State Government to acquire the lands in case of those lands which are not allotted to the project affected persons within two weeks from the date of expiry of six months.

e). If the lands though allotted to the project affected persons but the proceedings for acquisition are not initiated within a period of six months from today, even in that event the notification issued under section 11 of the Maharashtra Project Affected Persons Rehabilitation Act, to stand deleted.

f). It is made clear that within a period of two weeks from today, the lands of these petitioners who have impugned the notification under section 11 of the Maharashtra Project Affected Persons Rehabilitation Act would be notified by public notice to the members of public more particularly for the benefit of the project

affected persons for their information and for application, if any, for allotment of any particular land in this zone. The aforesaid period of six months will commence after expiry of two weeks from today. The notices shall be issued in accordance with the prescribed procedure for the purpose of information of the project affected persons as well as the persons whose lands are notified under section 11 of the Project Affected Persons Rehabilitation Act. Insofar as these cases are concerned, it is made clear that the Government Resolution dated 18th January, 2022 and 11th February, 2022 shall be read with this order.

g). It is made clear that the time prescribed in the aforesaid order is by consent of both the parties and would not be subject to any extension in any circumstances.

h). All the writ petitions are disposed of in aforesaid terms. There shall be no order as to costs.

i). All parties to act on the authenticated copy of this order.

(S.M. MODAK, J.)

(R.D. DHANUKA, J.)

VASANT
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