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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3514 OF 2021

Shivpratap Krishnarao Patankar] .. Petitioner
vs.
The Collector of Satara & Ors.] .. Respondents

Mr.Sanjeev Sawant a/w Mr.A.P. Deshmukh for Petitioner.
Mr.Rajan S. Pawar, AGP for the State.

**CORAM : R.D. DHANUKA &
M.G.SEWLIKAR, JJ**

DATE : 5TH JULY, 2022.

P.C.

1] Rule. Rule is made returnable forthwith. The learned AGP waives service of notice on behalf of State.

2] This Petition is filed under Article 226 of the Constitution of India seeking direction to the Respondents to allot the land bearing Gat No.245 admeasuring 0 Hectare 37 Are of Village Nawade, Taluka Panvel, District Raigad and Gat No.263 admeasuring 84 Are out of admeasuring 5 Hectare 75 Are of Village Nawade, Taluka Panvel, District Raigad under the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1999 and Maharashtra Resettlement of Project Affected Persons, 1976.

3] Mr.Sanjeev Sawant, learned counsel for the Petitioner invited our attention to the order dated 27th April, 2022 passed by this Court observing that it does not appear to be disputed that the Petitioner is entitled for allotment of alternate land. He also invited our attention to the Affidavit in Reply dated 30th September,2021, filed by Sushama Satpute and more particularly Para 4 and would submit that it is an admitted position that the land bearing Survey No.263 of Village Navade, Taluka-Panvel, District-Raigad is available, however, the same is being demanded by two other Koyna Dam Project affected persons.

4] The learned AGP Mr.Pawar states that since other project affected persons are also demanding the same land, if the same is allotted to the Petitioner, there would be injustice to other two Koyna dam project affected persons.

5] At this stage, Mr. Sawant, learned counsel for the Petitioner states that since the said land bearing Survey No.263 is admeasuring more than 5 Hecters, the Petitioner as well as other two project affected persons who are claiming allotment of the same land, can also be accommodated alongwith the Petitioner. The statement is accepted.

6] Respondents are directed to allot land to the Petitioner within two weeks from today.

7] It is made clear that if the said land bearing Survey No.263 is available and if it is possible to accommodate the Petitioner as well as two other project affected persons as stated in the Affidavit in Reply filed by the Respondent subject to their consent, for allotment of said

land to all three parties, the said land can be allotted to the Petitioner and other two project affected persons.

8] If the said land is available but other two project affected persons are not agreeable to share the said land with the Petitioner, the Respondents shall allot any other suitable land in favour of the petitioner within two weeks from today. It is made clear that no further extension of time would be granted.

9] Writ Petition is allowed in above terms.

10] Rule is made absolute.

11] All concerned to act on an authenticated copy of this order.

12] Place the matter on board for reporting compliance on 27th July, 2022.

[M.G.SEWLIKAR, J]

[R.D.DHANUKA,J]