

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9254 OF 2022

Baban Chindu Kadam.

...Petitioner.

Versus

The Collector of Pune and Others.

..Respondents.

Mr. Sanjeev Sawant, Mr. Abhishek Deshmukh and Mr. Digvijay Palande for the
Petitioner.

Ms. R. M. Shinde, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.

Date : **August 2, 2022.**

P. C. :

1. At the outset, learned counsel for the Petitioner submitted
that he is pressing the prayer clause (a) only. Prayer clause (a) reads thus :

*“a] This Hon’ble Court be pleased to pass an order thereby
directing the Respondent nos. 2 and 3 to forthwith allot the
land bearing Gat No. 62/2 admeasuring 1 Hectare 18-Aar of
village Vadhu Budruk, Taluka Shirur, District Pune under the
provisions of the Maharashtra Project Affected Persons
Rehabilitation Act, 1999 and the Maharashtra Resettlement of
Project Displaced Persons Act, 1976.”*

2. Learned counsel submitted that by the order dated 12th
January 1998, the Collector Pune declared that the Petitioner is a project
affected person; land to the extent of 1 hectare 60 aar was acquired for a dam
by name Chaskaman and though as per the entitlement of Petitioner, he is
entitled to land to the extent of 1 hectare 60 aar, the Petitioner is recipient of

land to the extent of 39 aar situated at village Koregaon Bhima, taluka Shirur, district Pune. The copy of 7/12 extract is placed on record at page no.75 to the petition. It is the submission of learned counsel for the Petitioner that the Petitioner is still entitled for allotment of land to the extent of 1 hectare and 21 aar. Accordingly, the Petitioner requested the authorities by submitting various representations / applications. Copies of those representations / applications are placed on record at page no. 80 onwards.

3. Learned counsel for the Petitioner also invited our attention to certain orders of this Court wherein an identical issue was involved. The Petitioner filed a representation to the Collector, Pune as well as to the District Resettlement Officer, Pune somewhere in the month of June 2020. The office of Collector, Pune has acknowledged the receipt of this representation on 3rd August 2020. Copy of the same is placed on record at page no. 83 to the petition. Learned counsel appearing on behalf of the Petitioner submitted that the Petitioner was waiting for decision on the said representation, however, as there was no positive response for a considerable period, the Petitioner having left with no choice, filed the present writ petition.

4. Learned counsel then invited our attention to the document placed on record at page no.164 to submit that as per his information, the land situated in village Vadu Budruk, taluka Shirur, district Pune, admeasuring 1 hectare 18 aar from Survey No.62/2 stands in the name of Collector as well as Director, Resettlement, Pune, the State Government and

the authorities of the State Government in their discretion can allot this land to the Petitioner as per the policy of State Government.

5. We find that though the Petitioner submitted that a particular land is available for allotment to the Petitioner, reference to this land is not made in the representation submitted by the Petitioner to the respondent authorities in the month of August 2020.

6. Considering above facts, we deem it appropriate to dispose of the petition on certain terms. Accordingly, the writ petition is disposed of in following terms :

1] The Petitioner is permitted to submit a fresh comprehensive representation for allotment of land by making reference to the land situated in village Vadu Budruk, namely Survey No.62/2. Such representation be filed with Respondent nos.1 to 3, within three weeks from today;

2] On receipt of representation, Respondent authorities to pass appropriate orders on the same, in the nature of allotment of land to the Petitioner if there is no other impediment, within six weeks from the date of receipt of representation.

3] Pursuant to such order being passed by the authorities, the concerned authority to hand over possession of such land to the Petitioner within two weeks from the date of passing order.

7. Though we are disposing of the petition in above terms, the petition would be listed on board on **9th November 2022** under the caption “compliance”.

8. All concerned shall act upon a copy of this order which duly authenticated by the Registry of this Court.

[Kishore C. Sant, J.]

[Prasanna B. Varale, J.]