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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5683 OF 2021

Ravindra Anandrao Chavan and Anr. ...Petitioners
vs.
State of Maharashtra and Ors. ...Respondents

ALONGWITH
WRIT PETITION NO. 5684 OF 2021

Baban Bhaguji Gavari and Anr. ...Petitioners
vs.
State of Maharashtra and Ors. ...Respondents

ALONGWITH
WRIT PETITION NO. 5791 OF 2021

Amar Kantaram Kharabi ...Petitioner
vs.
State of Maharashtra and Ors. ...Respondents

Mr.C.K. Bhangoji for the Petitioners in the above Writ Petitions.

Mr.V.S. Gokhale "B" Panel Counsel with Mr.S.B. Kalel, AGP for the
State – Respondents.

ALONGWITH
WRIT PETITION NO. 5787 OF 2021

Pandurant L. Ichake & Ors. ...Petitioners
vs.
State of Maharashtra and Ors. ...Respondents

ALONGWITH
WRIT PETITION NO. 4602 OF 2021

Shantaram V. Tawhare & & Ors.	...Petitioners
vs.	
State of Maharashtra and Ors.	...Respondents

Mr.Rushikesh C. Barge for the Petitioners in the above Writ Petitions.

Mrs.R.M. Shinde, AGP for the State – Respondents.

ALONGWITH
WRIT PETITION NO. 6455 OF 2021

Madhura M. Kulkarni	...Petitioner
vs.	
State of Maharashtra and Ors.	...Respondents

Mr.Manoj Patil for the Petitioner.

MrS.B. Kalel, AGP for the State – Respondents.

ALONGWITH
WRIT PETITION NO. 6560 OF 2021

Smt. Indubai Sahebrao Wadgule	...Petitioner
vs.	
The State of Maharashtra Through the Secretary, Revenue and Forest Department and Ors.	...Respondents

ALONGWITH
WRIT PETITION NO. 6561 OF 2021

Jaysingh Ganpat Kamthe	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

ALONGWITH
WRIT PETITION NO. 757 OF 2022

Laxman Nana Sawant and Ors.	...Petitioners
vs.	
The State of Maharashtra Thr. The Secretary and Ors.	...Respondents

Mr. Y. B. Lengare - Advocate for the Petitioners in above Wps.

Mr.S.L. Babar, AGP with Mr.S.B.Kalel, AGP, Mr.V.S. Gokhale “B”
Panel Counsel for the State – Respondents in above Wps.

ALONGWITH
WRIT PETITION NO. 7273 OF 2021

Navnath Mahadev Jambukar and Anr.	...Petitioners
vs.	
The State of Maharashtra Through The Secretary, Revenue and Forest Dept. and Ors.	...Respondents

Mr. Mandar G.Bagkar - Advocate for the Petitioners.
Mr. S. B. Kalel - AGP for the Respondent Nos. 1 to 5.

ALONGWITH
WRIT PETITION NO. 7760 OF 2021

Mandakini Bhagwanrao Ahir	...Petitioner
vs.	
The State of Maharashtra Thr. General Administration Department and Ors.	...Respondents

Mr. Prabhanjan Gujar - Advocate for the Petitioner
Mrs. R. M. Shinde – AGP for the Respondent-State.

ALONGWITH
WRIT PETITION NO. 9089 OF 2021

Sushma Chandrakant Kale and Anr.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

ALONGWITH
WRIT PETITION NO. 9102 OF 2021

Miss. Anita Rajendra Salunke and Ors.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

ALONGWITH
WRIT PETITION NO. 9097 OF 2021

Prashant Ramdas Bhagwat and Anr.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

Mr. Ajinkya Mohan Udane - Advocate for the Petitioners in above Writ petitions.
Mrs. R.S. Pawar, AGP with Mr.V.S. Gokhale, "B" Panel Counsel for the State - Respondents in above Wps.

ALONGWITH
WRIT PETITION NO. 97 OF 2022

Late Shivaji Govind Shinde Decd. Through LHRs.	...Petitioner
vs.	
The State of Maharashtra Through Secretary, Land and Revenue and Ors.	...Respondents

Mr. Ganesh Bhujbal - Advocate for the Petitioner
Mrs. R. M. Shinde - AGP for the Respondent-State.

ALONGWITH
WRIT PETITION NO. 2108 OF 2022

Goraksh Kondiba Dube	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

Mr. Sachin H. Deokar - Advocate for the Petitioner
Mrs. Rupali M. Shinde - AGP for the Respondent-State.

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

P.C. :-

1. 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.

2. 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.

3. 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.

4. 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.)

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