

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

WRIT PETITION NO.5825 OF 2021

Babu Kondiba Takalkar (since deceased)
through Lr
Vansabai Kondiba Takalkar (since deceased)
through Lrs
Hausabai Baburao Takalkar & Ors. Petitioners

versus

The Deputy Collector,
Rehabilitation, Pune & Ors. Respondents

**WITH
WRIT PETITION NO.5826 OF 2021**

Bhagu Daji Kokane (since deceased)
through Lr
Shantabai Bhagu Kokane & Ors. Petitioners

versus

The Deputy Collector,
Rehabilitation, Pune & Ors. Respondents

**WITH
WRIT PETITION NO.5832 OF 2021**

Govind Bala Takalkar (since deceased)
through Lr
Bhidabai Govind Takalkar Petitioner

versus

The Deputy Collector,
Rehabilitation, Pune & Ors. Respondents

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**WITH
WRIT PETITION NO.5834 OF 2021**

Tulshiram Bhiva Kokane (since deceased)
through Lr
Parvatabai Tulshiram Kokane & Anr. Petitioners

versus

The Deputy Collector,
Rehabilitation, Pune & Ors. Respondents

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- Mr. Nitin P. Deshpande, Advocate for Petitioners.
- Mrs. M. S. Bane, AGP for State/Respondent.

**CORAM : R. D. DHANUKA &
M. G. SEWLIKAR, JJ.
DATE : 14th JULY, 2022.**

P.C. :

1. Rule.
2. Learned AGP waives service on Respondents.
3. Rule made returnable forthwith.
4. By this Petition under Article 226 of the Constitution of India, the Petitioners seek writ of mandamus to direct

Respondent to issue notice u/s 16(2)(a) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, to the Petitioners and after the Petitioners deposit an amount of 65% of compensation, seeks direction against the Respondent to allot the Petitioners land in the benefited zone.

5. Mr. Nitin Deshpande learned counsel for the Petitioners tenders a copy of order dated 06/04/2022 passed by Division Bench of this Court in Writ Petition No.5632 of 2021 in the case of Sambhaji Maruti Bhawar Vs. The Additional Collector, Pune & Ors. and the companion matters and submits that the factual aspects of this case are identical to that of the facts of the case decided by the Division Bench of this Court in the order dated 06/04/2022. He submitted that same order be passed in this Petition also.

6. Mr. Rajan S. Pawar, learned AGP could not distinguish the order dated 06/04/2022 nor could produce any other judgment taking any different view in the matter.

7. We have perused the said order passed by the Division Bench of this Court which mentions that those Writ Petitions could be disposed of in terms of directions issued by the Division Bench of this Court in Public Interest Litigation No.171 of 2014.
8. Learned counsel for the Petitioner drew our attention to the order of this Court dated 10/01/2019 in *Writ Petition (St) No.21038 of 2018 in case of Sakharam Bhau Kavade Vs. The Deputy Collector, Rehabilitation, Pune & Ors.*
9. In our view this Court in the same judgment has passed similar order with similar facts under consideration. In our view the said judgment also would apply to the facts of the present case. We do not propose to take any different view.
10. In view of the judgments referred to above, the parties agree that this Court is not required to give detailed reasons while disposing of these Writ Petitions. Statement is accepted.

11. In view thereof, following order is passed:

ORDER

- (i) We direct the Deputy Collector (Rehabilitation), Pune, to examine the cases of the project affected persons herein with a view to ascertain whether they are project affected persons as claimed by them and whether they are entitled to allotment of lands under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.
- (ii) We further direct the Petitioners to appear before the Deputy Collector (Rehabilitation), Pune, on 01/08/2022 and produce necessary documents along with their Representation claiming benefits. In the event of request made by the Petitioners for grant of time to enable them to furnish the documents, it would be open for the Deputy Collector to grant further time after considering their Representations together with necessary documents.

- (iii) The Deputy Collector (Rehabilitation), Pune, shall pass appropriate orders as expeditiously as possible preferably within a period of six months from the date of appearance of Petitioners before the concerned authority.
- (iv) In the event, the Deputy Collector (Rehabilitation) upholds entitlement of Petitioners for allotment of land, it would be necessary for the said authorities to take further steps in pursuance of the decision and necessary steps shall be taken as early as possible and preferably within six months from the date of such decision.
- (v) It is needless to mention that the Respondent-authority shall have to follow the procedure under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 i.e. the issuance of notice to the Petitioners calling upon them to express their willingness in respect of allotment of land and on receipt of communication to the notice by the concerned authority, to take further steps.
- (vi) It would also be obligatory on the part of the Petitioner to deposit the amount within the time

stipulated in the Act. In the event of any difficulty in respect of allotment of land, it would be obligatory on the part of the authorities to observe the procedure prescribed by law and to pass appropriate orders within the contemplation of sub- section 4 of Section 16 of the Act.

12. In view of the above directions, Writ Petitions are disposed of.

13. Parties to act on the authenticated copy of this order.

(M. G. SEWLIKAR, J.)

(R. D. DHANUKA , J.)