

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

WRIT PETITION NO.1108 OF 2021

Shripati S. Yewale
(since deceased) through LR
& Others .. Petitioners.
v/s.
The Tahasildar, Maval, Pune
& Others .. Respondents

WITH
WRIT PETITION NO. 6257 OF 2021

Dhondiba S. Chavan
(since deceased) through LR
& Others .. Petitioners.
v/s.
The Dy. Collector, Rehabilitation
Pune, &Others .. Respondents.

WITH
WRIT PETITION NO.1109 OF 2021

Chandar D. Aamle
(since deceased) through LR
& Others .. Petitioners.
v/s.
The Dy. Collector & Others .. Respondents.

WITH
WRIT PETITION NO.6437 OF 2021

Tukaram G. Aamle
(since deceased) through LR
& Others .. Petitioners.
v/s.
The Dy. Collector & Others .. Respondents.

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WITH
WRIT PETITION NO.6439 OF 2021

Dagadu G. Shinde
(since deceased) through LR
& Others

.. Petitioners.

v/s.

The Dy. Collector & Others

.. Respondents.

Mr. Nitin Deshpande, for the Petitioners in all the Petitions.

Mr. V. S. Gokhale 'B' Panel Counsel with Mr. S. L. Babar, AGP for the Respondent-State in all the Petitions.

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : 24th MARCH, 2022.

PC:-

The Writ Petitions can be disposed of in terms of directions issued by the Division Bench of this Court in Public Interest Litigation No.171 of 2014 decided on February 13, 2017. The Petitioner's claim to be project affected person, whose land was acquired. It is the contention of the Petitioner that in spite of constant persuasion, no steps have been taken by the Respondents for granting the benefits under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. In similar situation, while dismissing the Public Interest Litigation No.171 of 2014 certain directions are issued. This Petition can be disposed of conveniently by issuing similar directions. Hence, the order:

ORDER

“(i) We direct the Deputy Collector (Resettlement) 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 that the Petitioner to appear before the Deputy Collector (Resettlement), Pune on 11th April, 2022 and produce necessary documents along with their Representation claiming benefits. In the event of request made by the Petitioner for grant of time to enable him to furnish the documents, it would be open for the Deputy Collector to grant further time after considering his Representation with necessary documents.

(iii) The Deputy Collector (Resettlement), Pune shall pass appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioner before the concerned authority.

(iv) In the event, the Deputy Collector (Resettlement) upholds entitlement of Petitioner 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 Petitioner 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.”

2 Writ Petitions are disposed of. No costs.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)