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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6459 OF 2021

Chima Bhagu Kedari]
Deceased Through LR.] .. Petitioners
vs.
The Dy. Collector Rehabilitation, Pune & Ors.] .. Respondents

Mr.Nitin P. Deshpande, for Petitioners.

Mr.S.L. Babar, AGP for State.

**CORAM : S.V. GANGAPURWALA &
M.G.SEWLIKAR, JJ**

DATE : 27TH APRIL, 2022.

P.C.

- 1] We have heard learned counsel for the parties.
- 2] It is the case of the Petitioner that his land has been acquired. An Award is passed. He is a project affected person. However, alternate land is not provided to him and till this date notice under Section 16(2) of the Maharashtra Project Affected Persons Rehabilitation Act is not issued. The Petitioner relies upon various orders passed by this Court.
- 3] In view of the above, following order is passed :

i] The Petitioner shall make an application, within 15 days from today with the Deputy Collector (Resettlement), Pune and shall remain present before him on 30.05.2022 and produce necessary documents alongwith 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 the representation together with necessary documents.

ii] 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.

iii] In the event, the Deputy Collector (Resettlement), 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.

iv] 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 him to express his willingness in respect of allotment of land and on receipt of communication to the notice by the concerned Authority, to take further steps.

v] It would 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.

4] Writ Petition is disposed of. No costs.

[M.G.SEWLIKAR, J]

[S.V.GANGAPURWALA,J]