

**BASAVRAJ
GURAPPA
PATIL**

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

WRIT PETITION NO.762 OF 2021

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BASAVRAJ GURAPPA
PATIL

Date: 2022.03.29
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Vitthal Mahadev Maind & Anr. Petitioners

Vs.

**The Collector, Revenue and
Rehabilitatiion Branch, Pune & Ors. Respondents**

**Mr. Vivek Salunke I/b. Rupesh Atul Zade for the Applicants
Mr. V. S. Gokhale, "B" Panel Counsel for the State**

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

DATED : MARCH 25, 2022

P.C.

1 The dispute is about the area of the land allotted to the Petitioners. The land of the predecessors of the Petitioners was acquired. The predecessors of the Petitioners were allotted the land. The land allotted to the predecessors of the Petitioner No.1 was 6H 40R in Gut No.723 at village Madanwali and 6H 32R land at Gut No.702 was allotted to the predecessors of Petitioner No.2 at village Madanwadi. The said allotment was made on 17th October 1975.

2 It appears that there was an entry of 'Forest Land' in the other rights column. The Petitioners had approached this Court by filing Writ Petition No.5152 of 2014. Same was decided under order dated 26th October 2015. The relevant portion of the order reads thus:

“(i) We direct the petitioners to appear before the first respondent on 23rd November, 2015 at 11.00 a.m. The petitioners shall produce the necessary documents before the first respondent for establishing the allotment of the lands subject matter of this petition to their predecessors. The petitioners shall also produce the documents annexed to the petition;

(ii) The first respondent shall verify whether the lands more particularly set out in column 6 of Exhibit-A to the petition were allotted to the predecessors-in-title of the petitioners by way of rehabilitation;

(iii) If the first respondent is satisfied that the said lands are allotted as contended by the petitioners, he shall take steps to delete the entry of 'forest' from the revenue records in respect of the said lands;

(iv) If for any reason, he finds that the entry of 'forest' cannot be deleted, he shall forthwith take steps for the allotment of suitable lands of the equal area to the petitioners in accordance with law;

(v) The entire exercise shall be completed by the first respondent on or before 29th February, 2016;

(vi) The petition is disposed of in above terms;

(vii) All concerned to act upon an authenticated copy of this order;

(viii) Though the petition is disposed of, for reporting compliance, the same shall be listed under the caption of direction on 8th March, 2016.”

3 The present Petitioners were Petitioner Nos.2 and 4 in the said Writ Petition.

4 It is the contention of the Petitioners that other two Writ Petitioners of Writ Petition No.5152 of 2014 were awarded exactly the same area of the land which they were allotted earlier. However the area is reduced so far as the Petitioners are concerned.

5 The learned AGP submits that as per the Act of 1999 and the Government Resolution of 1973, the Petitioners are allotted the maximum area of land i.e. 2H 80R. The Collector could not have awarded more land in view of the provisions of the Act, the Rules and the Circular.

6 The order of this Court dated 26th October 2015 in Writ Petition No.5152 of 2014 has become final. The parties are bound by the said order. The Act of 1999 would not apply because the allotment has been made in the year 1975. It is for the Respondents to allot alternate land. The alternate land, however, of the same area. Once the order of this Court has become final, the same is binding on the parties.

7 In the light of the above, the Respondents are bound to comply with the order passed by this Court in Writ Petition No.5152 of 2014 dated 26th October 2015. The Respondents shall take steps to allot the land as directed by this Court under order dated 26th October 2015 in Writ Petition No.5152 of 2014, expeditiously.

8 The Writ Petition is accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)