

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

WRIT PETITION NO.8657 OF 2021

Balu @ Balwant Raavji
Birambole (Deceased)
Through Legal Heirs

..... Petitioners

Vs.

The Dy. Collector & Ors.

..... Respondents

Mr.Nitin Deshpande for the Petitioners

Mrs.A.A.Purav, A.G.P. for the State

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

DATED : APRIL 28, 2022

P.C.

1 Heard the learned A.G.P. accepts notice for all Respondents.

2. It is submitted that coordinate bench of this Court has passed various orders in respect of issue involved in the present Writ Petition. One such order is dated 05.11.2019 in Writ Petition No.11002 of 2019 with connected Writ Petitions. In light of that, we follow the same course.

3. In similar circumstances, while disposing of Writ Petition (St.) No.21038 of 2018 and Writ Petition (St.) No.21037 of 2018, a Division Bench of this Court at Mumbai issued the directions as under:

“(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 Petitioners to appear before the Deputy Collector (Resettlement), Pune on 08.06.2022 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 (Resettlement), Pune shall pass

appropriate orders as expeditiously as possible preferably in the period of six months from the date of appearance of Petitioners before the concerned authority.

(iv) 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.

(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 Petitioners 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 stands disposed of in view of the aforesaid terms.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)