

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5632 OF 2021

Sambhaji Maruti Bhawar Deceased Through LRs. & Anr.	...	Petitioners
Versus		
The Additional Collector, Pune & Ors.	...	Respondents

WITH
WRIT PETITION NO. 8660 OF 2021

Popat Maruti Meharkar & Ors.	...	Petitioners
Versus		
The Deputy Collector, Rehabilitation & Ors.	...	Respondents

WITH
WRIT PETITION NO. 7026 OF 2021

Bajirao Thaku Korde Deceased Through LRs. & Ors.	...	Petitioners
Versus		
The Deputy Collector, Rehabilitation Pune & Ors.	...	Respondents

WITH
WRIT PETITION NO. 8654 OF 2021

Shripati Tukaram Korde Deceased Through LRs.	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation Pune & Ors.	...	Respondents

WITH
WRIT PETITION NO. 7025 OF 2021

Mukta Yamana Jori Deceased Through LRs.	...	Petitioner
Versus		
The Deputy Collector, Rehabilitation Pune & Ors.	...	Respondents

**WITH
WRIT PETITION NO. 7046 OF 2021**

Vitthal Tukaram Kondre			
Deceased Through LRs.	...		Petitioner
Versus			
The Deputy Collector, Rehabilitation			
Pune & Ors.	...		Respondents

**WITH
WRIT PETITION NO. 7028 OF 2021**

Anil Nana Solase			
Deceased Through LRs.	...		Petitioner
Versus			
The Deputy Collector, Rehabilitation			
Pune & Ors.	...		Respondents

**WITH
WRIT PETITION NO. 7030 OF 2021**

Damu Tukaram Korde			
Deceased Through LRs.	...		Petitioner
Versus			
The Deputy Collector & Ors.	...		Respondents

**WITH
WRIT PETITION NO. 8648 OF 2021**

Govind Narayan Bibikar			
Deceased Through LRs.	...		Petitioner
Versus			
The Deputy Collector,			
Rehabilitation & Ors.	...		Respondents

**WITH
WRIT PETITION NO. 7900 OF 2021**

Vishwanath Mahadev Walunj			
Deceased Through LRs.	...		Petitioner
Versus			
The Deputy Collector,			
Rehabilitation & Ors.	...		Respondents

**WITH
WRIT PETITION NO. 8641 OF 2021**

Babu Ramji Neharkar
Deceased Through LRs. ... **Petitioner**
Versus
The Deputy Collector,
Rehabilitation & Ors. ... **Respondents**

**WITH
WRIT PETITION NO. 8651 OF 2021**

Ramchandra Maruti Korde ... **Petitioner**
Versus
The Deputy Collector & Ors. ... **Respondents**

**WITH
WRIT PETITION NO. 8646 OF 2021**

Devram Govind Murkute
Since deceased Through Legal Heirs ... **Petitioner**
Versus
The Deputy Collector,
Rehabilitation, Pune & Ors. ... **Respondents**

Mr. Nitin Deshpande, Advocate for the Petitioners.

Mr. R. S. Pawar, AGP for the Respondents/State in
7900/2021.

Mr. S. L. Babar, AGP for the Respondents/State in
WP/5632/2021, WP/8660/2021, WP/8652/2021,
WP/8643/2021, WP/7026/2021, WP/8654/2021,
WP/7025/2021, WP/7078/2021, WP/7030/2021,
WP/8648/2021, WP/8641/2021, WP/8651/2021.

Mr. V. S. Gokhale, 'B' Panel Counsel for the Respondents/
State.

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

DATED : APRIL 6, 2022

P.C.

These 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 lands were acquired. It is the contention of the petitioners 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. These petitions 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.)

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