

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

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Date: 2022.12.09
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**CONTEMPT PETITION NO.760 OF 2022
IN
WRIT PETITION NO.5774 OF 2022**

Late Bapurao Bhagoji Kolekar

.. Petitioner

Versus

Dr.Rajesh B.Deshmukh,
The Collector of Pune & Ors.

.. Respondents

Mr.S.A. Sawant a/w Mr.A.P. Deshmukh and Mr.Digvijay Palande for the petitioner.

Ms.Kavita N.Solunke, AGP for the respondents-State.

Dr.Sunil D. Shelke, Tahasildar, Rehabilitation present.

**CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.
DATE : 7th December 2022**

P.C.:-

. By this contempt petition, the petitioners seek initiation of an action against the respondent nos.2 and 3 under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India for alleged disobedience of the order dated 24th March 2022 passed in Writ Petition (St.) No.5774 of 2022.

2. Learned counsel for the petitioner tenders a copy of the letter dated 17th October 2022 from the Desk Officer, State Government to the Collector and Deputy Director (Rehabilitation), Pune. Copy of the said letter is taken on record.

3. Mr.Sawant, learned counsel for the petitioner invited our attention to the letter dated 2nd March 2022 addressed by his client to the Collector of Pune and two others requesting for allotment of alternate land bearing Gat No.1201/2 admeasuring 15 Aar and Gat No.838/2 admeasuring 25 Aar of Village Sanaswadi, Taluka Shrirur, District Pune under the provisions of the Maharashtra Project Affected Persons Rehabilitation act, 1999 and the Maharashtra Resettlement of Project Displaced Persons Act, 1976. He also invited our attention to the order dated 24th March 2022 passed by the Division Bench of this Court in Writ Petition (St.) No.5774 of 2022 and submitted that though the petitioner has already deposited the requisite amount with the authority, the authority has not allotted the alternate land till date. He further states that the land identified by his client in the said letter dated 2nd March 2022 is still available and can be allotted to the petitioner.

4. Ms.Solunke, learned AGP, on instructions from Dr.Sunil D. Shelke, Tahasildar, Rehabilitation who is present in Court, seeks time to verify the correctness of the statement made by the learned counsel for the petitioner whether the plot identified by the petitioner is available or not and to inform the learned counsel for the petitioner within one week from today.

5. If the said plot is not available and if any such communication is received from the office of the Tahasildar by the petitioner, the petitioner to indicate any other alternate land which according to the petitioner is available and can be allotted to the petitioner within one week thereafter.

6. Upon receipt of the list of the identified lands from the petitioner, the respondents to allot permanent alternate land to the petitioner under the said two Acts within six weeks from the date of receipt of list of such list of the identified lands subject to availability and place the petitioner in possession of the said land without fail. The petitioner would be at liberty to apply for entering the name of the petitioner in mutation record as eligibility is not in dispute.

7. The petitioner would be at liberty to attend the office of the respondent no.3-the District Resettlement Officer on the 7th day from today to collect the letter to the effect whether the said land is available or not for taking further course of action.

8. Contempt petition is disposed off in aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

9. Place the matter on board under the caption of 'Reporting Compliance' on 2nd February 2023.

M.M. SATHAYE, J.

R.D. DHANUKA, J.