

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5185 OF 2021

Namdeo M. Waghmore	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1499 OF 2022**

Kondibhau Narayan Lokhande and Anr.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 739 OF 2022**

Sunil Nivrutti Narvade	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 4327 OF 2021**

Dadabhau Tulshiram Musale	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1498 OF 2022**

Gulab Sonba Gaikwad Thr. POA	
Vitthal Baban Kanad	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9356 OF 2021**

Sitaram Shankar Kanmode and Anr.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9390 OF 2021**

Rajendrasingh Ajitsingh Dhamdhare	
Thou POF Navnath Pirabhau Bhujbal	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9391 OF 2021**

Kisan Abu Darekar	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9436 OF 2021**

Vishwas Ramkrushna Dhamdhare	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7285 OF 2021**

Balu Sadashiv Pingale The POA	
Rambhau Umaji Doke Decd. Thr.	
LHR Balasaheb Rambhau Doke	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7286 OF 2021**

Mahadu Baburao Vadghule	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

ALONGWITH

WRIT PETITION NO. 7229 OF 2021

Dilip Dagadu Gargote	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7218 OF 2021**

Ashok Vishnu Shinde	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7214 OF 2021**

Mitthu Namdeo Sonawane	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7347 OF 2021**

Sudarshan Gulabrao Todkar Thr. POA Mahendra Vilas Gavare	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7308 OF 2021**

Phakkad Rama @Rambhau Mhaske	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7340 OF 2021**

Gulab Ganpati Mule	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7306 OF 2021**

Mangesh Balaso Narke	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 7292 OF 2021**

Valmik Gangaram Gholap	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1251 OF 2022**

Vikas Babaso @ Babasaheb Bhagat	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1250 OF 2022**

Ramdas Maruti Kalkute	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 9438 OF 2021**

Janardan Kisan Dorge	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 736 OF 2022**

Sudam Dhondiba Khaladkar Thr. POA Mahendra Vilas Gavare	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 362 OF 2022**

Namdeo Sahadu Sukre	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 411 OF 2022**

Arvind Tukaram Katkar	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 410 OF 2022**

Rajendra Sarjerao Nigade Thr.	
POA Balasaheb Vitthalrao Jadhav and Ors.	...Petitioners
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 407 OF 2022**

Pandurang Maruti Ingulkar	
Thr. POA Krushna Dattatray Nakti	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1232 OF 2022**

Mahendra Ramanlal Thakkar	
Thr. POA Dattatray Namdeo Khude	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 1233 OF 2022**

Shivaji Kondaji Phulwade	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

Mr. Sachin H. Deokar - Advocate with Mr.Omkar Hase for the

Petitioners in above Wps.

Mr. S. B. Kalel – AGP, Mr.R.S. Pawar, AGP, Mr.S.L. Babar, AGP, Mrs.F.M. Shinde, AGP, Mrs.A.A. Purav, AGP and Mr.V.S. Gokhale “B” Panel Counsel for the Respondent-State in above Wps.

Mr. Assin Gupta – Secretary of Disaster Management Relief and Rehabilitation is present.

CORAM : R.D. DHANUKA &
S.M. MODAK, JJ.
DATE : 2ND MARCH, 2022.

P.C. :-

1. This batch of petitions have been on board from time to time *inter-alia* praying for an order and direction against the respondents to delete the mutation entries of reservation for the project affected persons from the other rights column of the 7/12 extract of their lands described in the prayers of the petitions and for other reliefs. The petitioners have placed reliance on the judgment of this Court including the judgment delivered on 17th February, 2020 in Writ Petition No.1578 of 2020 in which this Court after adverting to the order passed on 28th January, 2020 in Writ Petition No.10552 of 2019 have directed the respondents to delete the entries of reservation of the 7/12 extracts from other rights columns of 7/12 extract of the subject land within four months from the date of the said order. This Court made it clear that the said order shall not in any manner preclude the State Government from acquiring the subject lands in future for rehabilitation of project affected persons,

after deletion of the entries as directed.

2. During the pendency of these petitions, the State Government issued Government Resolution dated 18th January, 2022 and 11th February, 2022 declaring certain norms for deletion of these entries subject to certain conditions prescribed therein.

3. These matters were argued at length before this Court by the learned counsel for the parties on 16th February, 2022 when Mr.Assin Gupta, Secretary of Disaster Management Relief & Rehabilitation, was also present. After hearing the parties and Mr.Assin Gupta, this Court made various suggestions to both the parties in each of the petitions. Mr.Assin Gupta also made various suggestions about the modalities that can be adopted by this Court to minimize inconvenience caused to the petitioners. The matters were directed to be placed on board today.

4. After hearing the parties including the State Government, the parties have agreed as under :-

a). The State Government will complete the process of allotting the lands of the petitioners whose lands are declared in benefit zone for allotment and yet to be allotted to the project affected persons. The State Government has agreed that the process would be completed within six months from today, without fail.

b). It is agreed by and between the parties that if the

allotment of land is not issued to the project affected persons for allotment of the lands falling under benefit zone, which are the subject matter of these petitions, the mutation entries effected in the 7/12 extracts towards reservation for project affected persons to be deleted without further reference to the Court within two weeks from the date of expiry of six months. Both the parties have agreed that there would be no extension of time to allot the plots earmarked under the benefit zone to the project affected persons.

c). If the entire process for allotment of land is not over within a period of six months from today, the petitioners whose lands have been placed under the benefit zone, would be at liberty to deal with their plots in the manner they desire. The State Government shall not initiate any acquisition proceedings in respect of these plots after expiry of six months in that event.

d). If these plots which are made subject matter of the notification under section 11 of the Maharashtra Project Affected Persons Rehabilitation Act, 1976, Maharashtra Project Affected Persons Rehabilitation Act, 1986, or Maharashtra Project Affected Persons Rehabilitation Act, 1999 are allotted to Project Affected Persons before expiry of six months, the State Government to initiate acquisition proceedings under the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 2013 expeditiously and

to conclude the same in accordance with the provisions of the said Act. The petitioners shall be informed about the allotment of lands in favour of the project affected persons and / or about proposal of the State Government to acquire the lands in case of those lands which are not allotted to the project affected persons within two weeks from the date of expiry of six months.

e). If the lands though allotted to the project affected persons but the proceedings for acquisition are not initiated within a period of six months from today, even in that event the notification issued under section 11 of the Maharashtra Project Affected Persons Rehabilitation Act, to stand deleted.

f). It is made clear that within a period of two weeks from today, the lands of these petitioners who have impugned the notification under section 11 of the Maharashtra Project Affected Persons Rehabilitation Act would be notified by public notice to the members of public more particularly for the benefit of the project affected persons for their information and for application, if any, for allotment of any particular land in this zone. The aforesaid period of six months will commence after expiry of two weeks from today. The notices shall be issued in accordance with the prescribed procedure for the purpose of information of the project affected persons as well as the persons whose lands are notified under section 11 of the

Project Affected Persons Rehabilitation Act. Insofar as these cases are concerned, it is made clear that the Government Resolution dated 18th January, 2022 and 11th February, 2022 shall be read with this order.

g). It is made clear that the time prescribed in the aforesaid order is by consent of both the parties and would not be subject to any extension in any circumstances.

h). All the writ petitions are disposed of in aforesaid terms. There shall be no order as to costs.

i). All parties to act on the authenticated copy of this order.

(S.M. MODAK, J.)

(R.D. DHANUKA, J.)

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2022.03.05
11:08:33 +0530