

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

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WRIT PETITION NO. 11679 OF 2017

Smt. Savitri Bhauso Desai and Ors.

... Petitioners

Versus

Ld. District Collector @ Deputy Director
of Rehabilitation at Kolhapur and Ors.

... Respondents

Mr. Manoj Patil for the Petitioner.

Mr. Prashant R. Suryawanshi for the Respondent No.6.

Mr. Gajanan m. Savagave for the Respondent Nos. 7 and 8, 9 o 13.

Mr. S. B. Kalel, AGP for the Respondent.

Mr. Rahul Rekawar, Collector-Present in Court.

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

DATE : 14th MARCH, 2022

P.C. :-

. It is the contention of the learned Advocate for the petitioner that the writ land of the petitioner has been taken over by the respondents' authority in the month of November 2016. The said land is taken in possession without adhering to the Land Acquisition Act. According to the petitioner, dispossession of the petitioner at the hands of authority is illegal.

2. Pursuant to the orders passed by this Court on 2nd March, 2022, it is submitted by the learned AGP that the Collector namely Mr. Rahul Rekawar is present in Court upon instruction.

3. Learned AGP submits that the Collector is present in Court and

makes a statement that in case the respondent authorities are not in position to handover the possession of the writ land to the petitioner within four months then immediately upon lapse of four months, the proceedings under the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would be initiated by issuing notification under Section 11 of the said Act. Needless to state that the Land Acquisition proceedings should be concluded within the period stipulated under the provisions of 2013 Act.

4. Learned Advocate for the respondent nos. 6 and 9 to 13 submits that the respondent nos. 6 and 9 to 13 are the project affected person, legitimately placed in the possession of the property under the order of the authority in the year 2007/2008. In case, action is sought to be taken against the respondent nos. 6 and 9 to 13 qua the writ property then the respondent nos. 6 and 9 to 13 are at liberty to take appropriate measures/steps as permissible under law. In that event, all contentions are kept open.

5. It is made clear, we have not considered the contentions of the parties on merits. We have only recorded the statement of the Collector about the further steps.

6. Petition is disposed of. No costs.

[VINAY JOSHI, J.]

[S. V. GANGAPURWALA, J.]