

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

WRIT PETITION NO.15288 OF 2022

Kailas Laxman Gawade	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

**WITH
WRIT PETITION NO. 15139 OF 2022**

Ganesh Dattatray Jagtap	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

AND

WRIT PETITION NO.14148 OF 2022

Smt. Lilavati Dnyandeo Lale And Ors.	...Petitioners
Versus	
The State Of Maharashtra And Ors.	...Respondents

**WITH
WRIT PETITION NO. 15089 OF 2022**

Subhash Sarjerao Shinde	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

**WITH
WRIT PETITION NO. 15091 OF 2022**

Lahanu Keru Jambhalkar	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

**WITH
WRIT PETITION NO. 15093 OF 2022**

Ramdas Bhausheb @ Vithoba Dhayarkar	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

**WITH
WRIT PETITION NO.15094 OF 2022**

Sampat Maruti Dhayarkar

...Petitioner

Versus

The State Of Maharashtra And Anr.

...Respondents

Shri Sachin H. Deokar, Advocate, for Petitioners in all writ petitions.

Shri A.P. Vanarase, AGP for State in WP/14148/2022, WP/15089/2022, WP/15094/2022.

Smt.R.M. Shinde, AGP for State in WP/15093/2022 & WP/15091/2022.

Shri. V.S. Gokhale, 'B' Panel Counsel for State-Respondent Nos.1 to 6 in WP/15288/2022 & for Respondent Nos.1 to 8 in WP/15139/2022.

**CORAM : R.D.DHANUKA &
M.M.SATHAYE, JJ.**

DATED : 20th DECEMBER, 2022

P.C. :

1. Rule. Learned AGPs waive service on behalf of Respondents. Rule is made returnable forthwith.
2. Learned counsel appearing for the parties agreed that no reasons are required to be recorded while disposing off these petitions in view of the order passed by this Court on 02.03.2022 in Writ Petition No.5185 of 2014 in case of Namdev M. Waghmore Vs. the State of Maharashtra & Ors. in batch of petitions. Statement is accepted.
3. By these petitions, the Petitioners seek an order or directions against Respondents to delete the entries of reservation for the project affected

persons from the other rights column of the 7/12 extract land admeasuring 1 Hectare 21 Areas, out of property described in prayer clause (b) and other various reliefs.

4. After hearing the parties, we passe following order:

a). The State Government will complete the process of allotment of lands of the Petitioners whose lands are declared in benefit zone or plots to be allotted to the project affected persons. We direct the State Government to complete these process within six months from today without fail.

b) It is made clear that if the allotment of lands is not issued to project affected persons falling under benefit zone, which are the subject matter of these petitions, the mutation entries reflected in the 7/12 extracts towards reservation of project affected persons would be deleted without further reference to the Court within two weeks from the date of expiry of six months. It is made clear that there would be no further extension of time to allot the plots earmarked under the benefited zone to project affected persons.

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

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 Affected Rehabilitation Act, 2013 expeditiously and 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) All the writ petitions are disposed of in the aforesaid terms. There shall be no order as to costs.

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

(M.M. SATHAYE, J.)

(R.D.DHANUKA, J.)