

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2022.12.06
10:32:32 +0530

WRIT PETITION NO.14732 OF 2022

Pandurang L. Gopale, since deceased
through L.Rs – Gabaji P. Gopale
V/s.

...Petitioner

State of Maharashtra & Ors.

...Respondents

Mr.Sachin H. Deokar for the Petitioner.

Mr.P.P. Kakade, GP with Ms.Kavita N. Solunke, AGP for the State -
Respondent Nos.1 to 4.

CORAM : R.D. DHANUKA &

M.M. SATHAYE , JJ.

DATE : 1ST DECEMBER, 2022.

P.C. :-

1. Heard learned counsel appearing for the Petitioner. In view of limited grievance raised in the petition, we deem it appropriate to dispose of the writ petition with certain directions.

2. The Petitioner is a project affected person. The land of Petitioner to the extent of 1.88 Are from Gat No.601 situated at village Yenive(Budruk), Taluka Khed, District Pune, was acquired for Kalmodi project. The Petitioner being project affected person, submitted an application to the competent authority, namely, Respondent No. 4 herein, for allotment of alternate land. Copy of the

said application is placed on record at Exhibit-D page no. 51 to the petition.

3. The grievance is that though the application was submitted to the authority way back in the year 2022, i.e., on 6th June, 2022, till date there is no progress in the matter. Learned counsel appearing on behalf of the Petitioner invited our attention to the copy of order passed by this Court in bunch of petitions, lead petition being Writ Petition No.8335 of 2010 decided on 2nd May 2011 [**Ram Shankar Deshmukh vs. State of Maharashtra**]. Copy of the said order/decision is placed on record at Exhibit-F page no. 67 to the petition. Needless to state that in the said order, the reference is made to the relevant provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the procedural formalities to be followed by the authorities. Learned counsel appearing on behalf of the Petitioner further submitted that the Petitioner is ready and willing to comply with the necessary formalities laid down under the provisions of said Act on his part. The statement of learned counsel appearing on behalf of the Petitioner is accepted as an undertaking to this Court.

4. In view of above, the petition is disposed of with direction to Respondent No.4 to decide the application of Petitioner as expeditiously as possible and not later than eight weeks from the date

of receipt of a copy of this order.

5. The respondents to allot the land identified by the petitioner subject to availability and eligibility. If the application made by the petitioner is allowed, the consequential reliefs prayed in the application be granted by making the allotment within four weeks from the date of such order and if the application for allotment of land is rejected, the petitioner would be at liberty to file appropriate proceedings permissible in law.

6. All concerned to act upon a copy of this order issued by the Registry of this Court as an authenticated copy of this order.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)