

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14651 OF 2022

**Late Laxman Bhagoji Kadam
Through Legal Heir
Nathuram Laxman Kadam**

..... Petitioner

VERSUS

The Collector of Pune & Ors.

..... Respondents

Mr.S.A.Sawant, a/w. Mr.A.P.Deshmukh, Mr.Digvijay Palande for the
Petitioner.

Mr.A.I.Patel, Additional G.P., a/w. Ms.K.N.Solunke, A.G.P. for the
State - Respondent nos. 1 to 4 in WP/14651/2022, WP/14652/2022 and
for the Respondent nos. 1 to 3 in WP/14656/2022.

CORAM: R. D. DHANUKA AND

M. M. SATHAYE, JJ.

DATE : 5TH DECEMBER, 2022

P.C:-

Rule. Mr.Patel, learned Additional Government Pleader waives
service for the respondents. Rule is made returnable forthwith.

2. The petitioner seeks an order and directions against the
respondent nos.2 and 3 to forthwith allot the land bearing Gat No.6
admeasuring 1 hectare 60 Aar at Village Koregaon Bhima, Taluka
Shirur, District Pune and land bearing Gat No. 197 admeasuring 1

hectare 20 Aar of Village Dingrajwadi, Taluka Shirur, District Pune in all admeasuring 2 hectare 80 Aar under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the Maharashtra Resettlement of Project Displaced Persons Act, 1976.

3. Mr.Sawant, learned counsel for the petitioner invited our attention to various documents annexed to the petition in support of his contention that the eligibility of the petitioner to get alternate land under the provisions of the aforesaid Acts is not disputed. The petitioner has also deposited 65% of the amount with the respondents as contemplated under the provisions of the aforesaid Acts. The award was made in the year 1985. The amount is deposited by the petitioner on 18th July, 2019. The respondents have not allotted any alternate land to the petitioner till date even after more than a decade.

4. We accordingly direct the respondents to decide the entitlement of the petitioner for alternate land and if the petitioner is found eligible to allot the said land within eight weeks from today, without fail.

5. It is made clear that if the order passed by this Court is not

complied with by the respondents, this Court will initiate an action under the provisions of the Contempt of Courts Act, 1971 against the responsible officers of the respondents. The respondents shall consider the plots identified by the petitioner in prayer clause (a) of the petition while passing an order of allotment of alternate land in favour of the petitioner subject to availability and eligibility.

6. Writ petition is disposed off in the aforesaid terms. No order as to costs.

7. Rule is made absolute in the aforesaid terms. The parties to act on the authenticated copy of this order.

[M. M. SATHAYE, J.]

[R. D. DHANUKA, J.]