

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14912 OF 2022**

Krushnabai Bandu Patil (since deceased) through HLR ...Petitioner
Reshma Bandu Patil Through POA Tatoba Kondiba Patil

Versus

The District Collector, Kolhapur District & Ors.

...Respondents

Shri.Prabhakar Jadhav a/w. Shri.Vishal Kolekar, for Petitioner.

Shri.A.I. Patel, Addl.G.P. a/w. Smt.K.N.Solunke, A.G.P, for Respondents-State.

Shri.Vaibhav Pillare, Tahsildar, Kolhapur, present in Court.

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

DATED : 11th JANUARY, 2023

P.C. :

1. Rule. Mr.Patel, learned Addl.G.P, waive service for the Respondents.

Rule is made returnable forthwith. With consent of the parties, the matter is taken up for final hearing.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioner seeks a writ of Mandamus against Respondent Nos.1 & 2, to consider application filed by the Petitioner before Respondent No.2 and to grant peaceful and vacant possession of the land, described in prayer clause (b) of the petition.

3. We have heard the learned counsel for the parties and also perused the affidavit in reply filed by Respondent Nos.1 & 2.

4. Mr.Patel, learned Addl.G.P, for Respondents, on instructions, states that

there is no dispute about the eligibility of the Petitioner to get an alternate land. He, however, invited our attention to a list annexed at Exhibit-6 to the affidavit in reply and submitted that the Petitioner may submit the fresh application for another land alongwith the documents, as per the entitlement. The same shall be considered. He further submitted that the earlier lands identified by the Petitioner, are not available.

5. Admitting the same, at this stage, learned counsel for the Petitioner states that the Petitioner may apply for one of the plots which are available, out of those 26 plots, after considering the remarks in the last column of the said list, within two weeks from today alongwith documents. Statement is accepted.

6. If any application is made by the Petitioner, by identifying any of those 26 plots, the Respondent No.2 shall decide the said application, within four weeks from the date of receipt of such application and shall communicate the order that would be passed, within one week from the date of passing of such order.

7. The writ petition is disposed off. Rule is made absolute in the aforesaid terms. No order as to costs.

8. All concerned to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)