

Vidya Amin

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

WRIT PETITION NO. 3675 OF 2023

Rajeev Ratnakar Patil

... Petitioner

Versus

District Resettlement Officer, Pune & Ors.

... Respondents

Mr. Nitin P. Deshpande for the petitioner.

Ms. S.S. Bhende, AGP for the State.

**CORAM: G. S. KULKARNI &
 JITENDRA JAIN, JJ.**
DATED: 2 August, 2023

P.C.

1. Heard Mr. Deshpande, learned counsel for the petitioner and Ms. Bhende, learned AGP for the State.

2. This petition is filed praying for the following reliefs:

“A) This Hon’ble Court may, by way of appropriate Writ Order or direction, delete the entry in the other right column of the petitioner’s land bearing Gat No. 75/1 and 82/1, both situated at village Waki Kd. Tal. Khed, Dist. Pune to the effect that the State Government has the right to acquire the same at any moment.

B) this Hon’ble Court may, by way of appropriate Writ Order or direction, dispose of this writ petition in terms of the order dated 02.03.2021 passed in WP No. 9356 of 2021 and effect entry in the 7/12 extract of the lands of the petitioner bearing Gat No. 75/1 and 82/1, both situated at village Waki Kd. Tal. Khed, Dist. Pune.”

3. The case of the petitioner is that the petitioner’s land Gat No. 75/1, area admeasuring 01H 00 R, Gat No. 82/1 area admeasuring 01H 20 R, situated at village Waki Kd, Tal. Khed, Dist. Pune fell in the benefitted zone of Bhama

Askhed Irrigation Project. For such reason, the other rights column in the revenue record was showing the said lands to be reserved for rehabilitation of project affected persons.

4. It is the case of the petitioner that the petitioner's holding is less than the slab on account of partition, which was stated to be accepted by the revenue authorities and hence, the same had never been subject matter of any acquisition. It is also the petitioner's contention that since Bhama Askhed Project is no more irrigation project, there is no benefitted zone. However, the other right column in the revenue record of petitioner's land still shows that it can be subjected to acquisition. The petitioner has accordingly prayed for the relief as noted above to the effect that the entries as made in the other rights column in the revenue record in respect of the land in question, subject it to an acquisition for the irrigation project be deleted.

5. As seen from the prayers made in the petition, in prayer clause (b) the petitioner has prayed that the petition be disposed of in terms of the order dated 2 March, 2022 passed by a co-ordinate Bench of this Court in Writ Petition No. 9356 of 2021. It appears that the said order was passed by consent/agreement. Ms. Bhende, learned AGP states that she has no instructions to give any consent.

6. In this view of the matter, we direct the respondents to consider this petition as a representation made by the petitioner and take an appropriate decision in that regard as expeditiously as possible and preferably within a period of eight weeks from today. All contentions of the parties are expressly kept open.

7. Disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)