

jvs

SALUNKE
J VDigitally signed
by SALUNKE J V
Date: 2023.03.28
11:01:19 +0530**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 54 OF 2022****Kiran Bhairu Tanavade****.. Petitioner****Versus****The State of Maharashtra & Ors.****.. Respondents**

Mr. Ashish Pawar for the petitioner.

Mr. P. P. Kakade, Government Pleader with Ms. R. A.
Salunkhe, AGP for State

Ms. Chaitrali Deshmukh for respondent no. 8.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.****DATE: MARCH 27, 2023****P.C.:**

1. The petitioner is challenging the Notification/Government Resolution dated 28th May 2019. Under the said Government Resolution, about 40 Hectar 53 Are *gairan* land was decided to be allotted to project affected persons for their rehabilitation.

2. The learned Government Pleader and the learned advocate for respondent no. 8 submits that allotments have already been made to the project affected persons for their rehabilitation and in respect of some land, possession has already been delivered.

3. It is the contention of the learned advocate for the petitioner that the Government Resolution dated 28th May

2019 is against the dictum of the Supreme Court in the case of **Jagpal Singh & Ors. vs. State of Punjab and Others**, reported in AIR 2011 SC 1123 and the earlier Government Resolution dated 12th July 2011.

4. We certainly would have considered the present petition if the petitioner had approached immediately. Now a statement is also made that the lands as mentioned in the Government Resolution are already allotted to the project affected persons for rehabilitation and some of them have already been put in possession. It will not be appropriate now to displace those persons who were earlier displaced and are now rehabilitated on the said land. The petitioner has approached very late.

5. In the present case, it is not the case that the land is being allotted for some commercial purpose or to any private entity to carry out some commercial or residential projects. The land is allotted to the project affected persons so as to rehabilitate them.

6. In view of the fact that allotments are already made to the displaced project affected persons and since possession has already been delivered in respect of some of them, it will not be appropriate now to entertain the public interest litigation. The same is disposed of. No costs.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)