

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

WRIT PETITION NO.1265 OF 2023

Govindrao Anandrao Dhamdhare ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2023.02.06
16:55:54 +0530

**WITH
WRIT PETITION NO.1267 OF 2023**

Sudhir Bandopant Dhamdhare ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1269 OF 2023**

Ravindra Sudam Jedhe ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1268 OF 2023**

Arun Shamram Dhamdhare ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1270 OF 2023**

Popat Ramchandra Jagtap ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1271 OF 2023**

Sunil Suresh Dhamdhare ...Petitioner
Versus

The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1266 OF 2023**

Ramchandra N. Todkar(Since deceased
through LRS. Balu Ramchandra Todkar ...Petitioner

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1273 OF 2023**

Mahadev Bhairu Bhujbal thr. POA
Mahenda Vilas Gaware and Ors. ...Petitioners

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1263 OF 2023**

Dattatray Prakash Chore ...Petitioner

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1274 OF 2023**

Santosh Madhukar Narke ...Petitioner

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1283 OF 2023**

Uttam Marutrao Jagtap ...Petitioner

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1277 OF 2023**

Sanjay Kondiba Khurpe ...Petitioner

Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1281 OF 2023**

Babubai Sitaram Ghule deceased
thru. LHR Deepak Sitaram Ghule ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1293 OF 2023**

Kantilal Chandrakant Jagtap ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1272 OF 2023**

Sachin Ashok Gaikwad thr. POA
Kiran Pradip Hingane ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1276 OF 2023**

Chandrakant P. Paradkar thr. POA
Jalindar Ramchandra Borde ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO.1264 OF 2023**

Raghunath Bhiku Bhujbal ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

WRIT PETITION NO.1295 OF 2023

Chandrakant Ramdas Bhujbal

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

Shri Sachin H. Deokar a/w Ms. Priya Patil for Petitioner.

Ms. M.S. Bane AGP for the Respondent-State in all Wps except WP No. 1295 of 2023

Ms. Kavita Solunke, AGP for the Respondent-State in WP No. 1295 of 2023.

CORAM : R.D.DHANUKA, AND

M.M.SATHAYE, JJ.

DATE : 1st FEBRUARY 2023

P.C.

1. Rule. Rule is made returnable forthwith. Learned AGP waives service for the Respondent/State. Taken up for final disposal by consent.

2. These petitions are filed under Article 226 of the Constitution of India seeking direction to the Respondents-State to delete the entries of 'reservation for project affected persons' from the other rights column of 7/12 extracts of the lands as described in prayer clause (a) of Writ Petition No. 1266 of 2023 and in prayer clause (b) of remaining Writ Petitions.

3. It is the case of the Petitioners that the subject matters lands are falling in the benefited zone under Maharashtra Project Affected Persons Rehabilitation Act, 1999, of Chaskaman project and as such either full lands or part of the land are kept under reservation for the allotment of project affected persons. It is further case of the Petitioners that because of endorsement of the reservation, they

cannot deal with their lands and Government has also not initiated any action for allotment of these lands to the project affected persons. As a result, there is indefinite fetter on the Petitioners' right to enjoy subject matters lands.

4. Learned counsel for the Petitioners has invited our attention to various orders passed by this Court earlier viz. Order dated 17.09.2013 passed in Writ Petition No. 5207 of 2013, Order dt. 17.10.2018 passed in Writ Petition No. 2821 of 2018, Order dt. 14.08.2019 passed in batch of Writ Petitions with leading Writ Petition No. 5763 of 2017, Order dt. 17.02.2020 passed in Writ Petition No. 1578/2020 1567, 1474, 1475 and 1476 all of 2020, Order dt.27.10..2020 passed in group of Writ Petitions with leading Writ Petition No. 5077 of 2020, Order dt. 05.08.2021 passed in Writ Petition No.2508 of 2021, Order dt. 11.08.2021 passed in Writ Petition No. 8629 of 2018, Order dt. 07.10.2021 passed in Writ Petition No. 1601 of 2021 and Writ Petition No. 716 of 2021, Order dt. 15.11.2021 passed in group of Writ Petitions with leading Writ Petition No. 1332 of 2021, Order dt. 02.03.2022 passed in group of Writ Petitions with leading Writ Petition No. 5185 of 2021 and last order dated 3rd January 2023 passed by this Court in batch of Writ Petitions with lead Writ Petition No. 15822 of 2022.

5. Perusal of all these orders show that this Court has taken consistent view that private lands of the citizens like Petitioners cannot be kept under continuous and indefinite fetter, without initiating any action for allotment to project affected persons. If the Respondent-State wants to allot any of these lands to project affected persons, necessary steps must be taken and completed in

time bound manner, otherwise the subject matters lands must be released from such endorsement on 7/12 extract.

6. Learned AGP for the State contended that the endorsement in other rights column of Petitioners' lands is only to the extent of keeping State's right of acquisition for project affected persons intact, however, in the endorsement it is clarified that sale transaction for agricultural purpose is permitted. Apart from this, learned AGP for the State could not distinguish facts of the present matter from the facts of the above said orders.

7. In our view, even if sale transaction is permitted for agricultural purpose, when the endorsement keeps the right of State to acquire land intact, the permission remains conditional and makes the right of Petitioner to deal with his land conditional indefinitely. We are therefore, of the view that this matter is also covered by aforesaid Judgments taking consistent view.

8. In that view of the matter, we pass the following order, which is similar to our earlier orders.

(i) The State Government is directed to complete the process of allotting the Petitioners' lands which is declared as part of the benefited zone, for allotment to the project affected persons, if required and the said process shall be completed within six months from today, without fail.

(ii) It is further directed that if the Petitioners' lands are not allotted as stated above, the mutation entries effected in the 7/12 extracts thereof, about reservation for project affected persons, be deleted without further reference to the Court within two weeks

from the date of expiry of six months. It is directed that no further extension of time would be granted for the same.

(iii) It is further directed that if the entire process of allotment of land is not over within a period of six months from today as stated above, the Petitioners whose lands have been placed under the benefited zone, would be at liberty to deal with their land in the manner they desire.

(iv) It is further made clear that the Government Resolution dated 18th January, 2022 and 11th February, 2022 shall be read with this order, so far as its application to the Petitioners' lands are concerned.

(v) All Writ Petitions are disposed of. Rule is made absolute in above terms. There shall be no order as to costs.

(vi) All concerned to act on an authenticated copy of this order.

[M.M.SATHAYE, J.]

[R.D.DHANUKA, J.]