

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

WRIT PETITION NO. 8874 OF 2022

Dadu Pandu Hinge Since Dec Thr His Legal Heir ...Petitioner
1a) Baban Dadaji Hinge

Versus

The State Of Maharashtra And Ors. ...Respondents

WITH

WRIT PETITION NO. 8875 OF 2022

Tukaram Narayan Hinge Since Dec. Thr. His
Legal Heir Sou.kusum Hanumant Mahangare ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

WITH

WRIT PETITION NO. 8876 OF 2022

Rambhau Limbaji Hinge Since Dec
Thr. His Legal Heir 1a) Bhanudas Dhondiba Hinge ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

WITH

WRIT PETITION NO. 8877 OF 2022

Anna Mandu Hinge Since Dec.
Thr. His Legal Heir 1a) Maruti Anandrao Hinge ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

WITH

WRIT PETITION NO. 8878 OF 2022

Rambhau Kondiba Hinge (since Decd)
Thr His Legal Heir 1a) Uttam Rambhau Hinge ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8879 OF 2022**

Ramchandra Ravba Shivankar (since Decd)
Thr His Legal Heir 1a) Sarjerao Ravba Shivankar ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8880 OF 2022**

Parabhu Bali Hinge (since Decd) Thr His Legal Heir
1a) Mahesh Jagannath Hinge ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8881 OF 2022**

Housabai Maruti Bandal (since Decd) Thr Her Legal Heir
1a) Hanumant Sahebrao Bandl ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8882 OF 2022**

Khandu Sopan Bandal (since Decd. The His Legal Heris
1a) Dattatray Khandu Bandal ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8883 OF 2022**

Mhapa Laxman Jadhav (since Decd.
The His Legal Heir 1a) Vasant Kisan Jadhav ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8884 OF 2022**

Namdeo Shripati Jadhav (Since Decd.)
Thr. His Legal Heir 1a) Dattatray Namdeo Jadhav ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8885 OF 2022**

Laxman Sopan Jadhav ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8886 OF 2022**

Sarjerao Shankar Dhumal ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8887 OF 2022**

Sadashiv Somaji Gorhe ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8888 OF 2022**

Sonba Bhau Kale ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

**WITH
WRIT PETITION NO. 8889 OF 2022**

Rama Nagu Jadhav Since Dec Thr His Legal Heir ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr.S.G.Deshmukh, Senior Advocate, Mr.Sachin H. Deokar, for Petitioner.

Mr.A.I. Patel, Addl. G.P al/w. Mr.C.D. Mali, AGP for Respondent-State.

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

DATED : 30th JANUARY, 2023

P.C. :

1. Rule. Mr.Patel, learned Addl. G.P waives service for Respondent-State. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioner seek a Writ of Mandamus against the Respondents to allot alternate land to the Petitioner available at Boribhadak, Taluka Daund, District Pune, land bearing Gat No.458, admeasuring 1 Hectare 60 Ares.

3. Similar reliefs are sought in other petitions which are on board alongwith this petition.

4. Mr.Deshmukh, learned counsel for the Petitioner submitted that the eligibility and entitlement of the Petitioner to get the alternate land allotted is yet to be decided and is not in dispute. He, however, submits that though the land described in the prayer

clause (b) of the petition is available, the same is not allotted to the Petitioner. He relied upon various revenue records annexed to the petition in support of his submission that these lands are available to be allotment for the purpose of rehabilitation of the project affected persons.

5. Mr.A.I. Patel, Addl. G.P, states that Petitioner in each of the petition be directed to remain present before Respondent No.3 on the date that would be decided by this Court where the Collector, Pune (Rehabilitation Department) would consider whether the plots identified by the Petitioners in prayer clause (b) are available or not and whether the same plots can be allotted to the Petitioners or not. According to the Addl.G.P, in the column of holders it is mentioned “forest” and thus, prima facie such plots cannot be made available for the purpose of rehabilitation. He, however, states that if the same can allot to the Petitioners, the Collector would decide the same.

6. In view of the fact that eligibility and entitlement of the Petitioners to get alternate land is not in dispute, the only issue which survives is in respect of allotment of the alternate land. We direct each of the Petitioner to remain present before Respondent No.3 on **07.02.2023 at 11 am.**

7. The Petitioners would be at liberty to produce the documents relied upon by the Petitioners in support of their submissions that plots described in term prayer (b) of the petition are still available and can be allotted to the Petitioners.

8. The Respondent No.3 to consider those documents annexed to the petition and to pass an appropriate order whether those plots are available or not and can be allotted to the Petitioners for rehabilitation of the Petitioners. If for any reason, the said plots are not available, the Respondent No.3 can allot the suitable plots of land to each of the Petitioners according to their entitlement within six weeks from the date of personal hearing.

9. Similar plots which according to the Petitioners are available as described in prayer clause (b) of the petition, the Respondent No.3 to consider those plots in the similar way as directed in the earlier paragraphs of this order.

10. The writ petitions are disposed off.

11. Rule is made absolute in the aforesaid terms. No order as to costs.

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

13. Place these matters on board for reporting compliance on
06.03.2023.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)