

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

WRIT PETITION NO.8623 OF 2021

Ankush Bapurao Thakur

...Petitioner

Versus

The Deputy Collector Resettlement

Pune District Pune And Ors.

...Respondents

Ms. Kanchan Phatak i/b Mr. Nitin Deshpande, for Petitioner.

Mr. V.S. Gokhale, 'B' Panel Counsel for the Respondents-State.

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NITIN
CHAVAN

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

DATE : 18th JANUARY 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. This petition is 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 Petitioner's land admeasuring 2 Hectares and 72 Ares from Gat No. 112, situated at Village Takali Bhima, Taluka Daund, District – Pune.

3. It is the case of the Petitioner that the subject matter land is falling in the benefited zone and as such it is kept under reservation

vide M. E. No. 505, for the allotment of project affected persons of Bhama-Askhed Irrigation project. It is further case of the Petitioner that because of such endorsement, he cannot deal with his land and Government has also not taken steps in last 24 years for acquisition and allotment of this land to the project affected persons. As a result, there is indefinite fetter/restriction on the Petitioner's right to enjoy subject matter land.

4. Learned counsel for the Petitioner has invited our attention to various earlier orders passed by this Court 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 and latest Order dt. 02.03.2022 passed in group of Writ Petitions with leading Writ Petition No. 5507 of 2021.

4. Perusal of all these orders show that this Court has taken consistent view that private lands of the citizens like Petitioner 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 matter land must be released from such endorsements on 7/12 extract.

5. Learned AGP for the Respondent-State could not distinguish facts of the present matter from the facts of the above said cases. We are therefore, of the view that this matter is covered by aforesaid Judgments and Orders taking consistent view.

6. In that view of the matter, we pass the following order :

(i) The State Government is directed to complete the process of allotting the Petitioner's land 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 Petitioner's land is not allotted as stated above, the mutation entries effected in its 7/12 extracts 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 Petitioner's land is not over within a period of six months from today as stated above, the Petitioner whose land has been placed under the benefited zone, would be at liberty to deal with his said land in the manner he desires and the State Government shall not initiate any acquisition proceedings in respect of the Petitioner's land which is subject matter of this petition, after expiry of six months.

(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 Petitioner's land is concerned.

(v) The Writ Petition is 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.]