

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

WRIT PETITION NO. 9403 OF 2022

Dnyaneswhar Tukaram Zurange

..Petitioner

V/s.

The Deputy Collector Resettlement

Pune District Pune and Ors.

..Respondents

Mr. Nitin Deshpande for the Petitioner.

Mr. V.S. Gokhale, 'B' Panel Counsel for the Respondent/State.

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

DATE : 7th JANUARY 2023

P.C.

1. Rule. Rule is made returnable forthwith. Learned AGP waives service for the Respondent/State.

2. This petition filed under Article 226 of the Constitution of India seeks direction to the Respondents to immediately delete the entries of reservation for rehabilitation from revenue record of Petitioner's land bearing Gat No. 250 situated at Village Yawat-Station, Taluka Daund, District Pune and other reliefs.

3. It is the case of the Petitioner that 0H.80 R portion from aforesaid land falls under benefited zone of Panshet Dam Project (Veer Baji Pasalkar Dam) and therefore, it is reserved for rehabilitation of project affected persons and since there is an entry on revenue record about such reservation, he cannot deal with his

property. It is urged that land owner cannot be put under such restriction forever.

4. Heard the learned counsel for the Petitioner and the learned AGP for Respondent.

5. The learned counsel for the Petitioner has relied upon an order dated 02.03.2022 passed in a group of petitions with lead Writ Petition No. 5507 of 2021 which considered various other judgments of this Court, and urged to pass a similar order.

6. Mr. Gokhale, learned Counsel for the State contended that the endorsement in other rights column of Petitioner's land is only to the extent of keeping State's right of acquisition 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 said order dated 02.03.2022.

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 the order dated 02.03.2022.

(i) The State Government is directed to complete the process of allotting the Petitioner's 80 R 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 80 R 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 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 land in the manner he desires and the State Government shall not initiate any acquisition proceedings in respect of the Petitioner's land 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.]