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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9785 OF 2022**

Shri Nivrutti Rambhau Kalwade

....Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. Sumit Khaire for Petitioner.

Mr. B. V. Samant for Respondents.

**CORAM : K.R. SHRIRAM &
Dr. N. K. GOKHALE, JJ
DATED : 14th SEPTEMBER 2023**

P.C. :

1 Petitioner states that he is the project affected person, to whom the land categorised as class-II land was allotted in place of class-I land that was acquired from petitioner for construction of a dam. Petitioner states that in law, petitioner was entitled to class-1 land and, therefore, made an application to respondent no.5- Tahsildar, Daund for conversion of the land allotted to petitioner from class-II to class-I land. Petitioner seeks a direction to respondent no.5 to decide the application and also hand over possession of the land.

2 There is no affidavit in reply filed though on 29th June 2022, direction was given for respondents to file reply within two weeks. The matter was again listed on 12th August 2022 and 23rd September 2022 when the AGP again took time. Still no reply has been filed.

3 Mr. Samant states that the application of petitioner will be considered

within such period as the court may direct. We direct respondent no.5 – Tahsildar to decide petitioner's applications dated 24th February 2021 and 10th January 2022 on or before 30th November 2023 by passing a reasoned order. Before passing any order, petitioner shall be given a personal hearing, notice whereof shall be communicated atleast three working days in advance.

4 As regards handing over possession of the land, Mr. Samant, states that will be done by Sub-Divisional Officer, Khed. Mr. Khaire responded to this by saying that now it is the District Re-settlement Officer, who is authorised to hand over possession of the land.

5 The possession of the land shall be granted by respondent no.3 on or before 30th November 2023 subject to petitioner satisfying respondent no.3 that the conditions prescribed for handing over has been complied with and that petitioner is entitled to possession of the land.

6 Petition disposed.

7 We clarify that we have not expressed any opinion on the merits of the matter.

(Dr. N. K. GOKHALE, J.)

(K.R. SHRIRAM, J.)