

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13667 OF 2022

Housabai Bandu Patil (Since Decd.) through her
legal heir Tarabai Vitthal Shinde ...Petitioner

Versus

Sub-Divisional Officer, Ichalkaranji Sub-Divisional
And Ors. ...Respondents

....

Mr. Pradeep D. Dalvi for the Petitioner.

Ms. P. J. Gavhane, AGP for the State.

**CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ**

DATE : 23rd AUGUST, 2023.

PER COURT:

1. We have heard Mr. Dalvi, learned counsel for the Petitioner and Ms. Gavhane, AGP for the State. This petition is filed praying for the following reliefs:

(a) Your Lordships may be pleased to issue an appropriate writ, order or direction and direct the Respondents to forthwith rehabilitate the Petitioner by allotting land in Gat No.545, Village Talandage, Taluka Hatkanangale, District Kolhapur, admeasuring 81 areas to the Petitioner as per her Demand Application dated 4.7.2019 (Exhibit "A" hereto);

(b) Pending the hearing and final disposal of this writ Petition, the Respondents may kindly be directed to rehabilitate the Petitioner by allotting land in Gat No.454, Village Talandage, Taluka Hatanangale, District Kolhapur,

admeasuring 81 areas to the Petitioner as per her Demand Application dated 4.7.2019 (Exhibit "A" hereto);

(c) ad-interim relief in terms of prayer clause (b) above;

(d) costs of this Writ Petition be provided for;

(e) pass such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. Reply affidavit to the petition has been filed on behalf of the Respondents by Savetta Raghunath Laskare, Deputy Collector (Resettlement Kolhapur). In paragraph No.9 of the reply affidavit, the following statement has been made.

"9. I say and submit that, again vide application dated 13/01/2020 and 20/01/2020 Petitioner demanded H 0-55 R out of Gat No.454 and land adm. H 0-04 R out of Gat No.62 in village Talandage, Tal Hatkanagale, Dist Kolhapur. Said demanded lands are in the benefitted zone of Dudhganga Project. Also, said lands have been demanded by the Project Affected Persons of Dudhganga Project while land ad H 0-40 R out of Gat No.454 is already allotted to Project Affected Person of Dudhganga Project. Thus, land demanded by Petitioner cannot be allotted as demanded by Petitioner. Said fact is conveyed and communicated to Petitioner vide letter dated 01/08/2023 and demand applications dated 04/07/2019, 13/01/2019 and 20/01/2020 are accordingly disposed. Herein marked and annexed as "Exhibit R-2" is the copy of letter dated 01/08/2023."

3. The communication dated 1st August, 2023 addressed to the Petitioner is also annexed at Exhibit R-2 of the said application. The statement by the deponent made on the basis of communication dated 1st August, 2023 that the case of the Petitioner who is claiming Project Affected Person of Chandoli sanctuary would be considered after appropriate approval in that regard, granted by the State Government, as set out in the last paragraph of the said communication is accepted.

4. We disposed off the petition in the above terms, keeping open all contentions of the parties.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]