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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 14728 OF 2022**

Haribhau Kondaji Kadam

....Petitioner

V/s.

The State of Maharashtra and Ors

....Respondents

Mr. S. H. Deokar for the Petitioner

Mrs. M. S. Bane AGP for Respondent Nos. 1 to 5

**CORAM : R. D. DHANUKA &  
GAURI GODSE, JJ.  
DATED : 23 MARCH, 2023**

**PC. :-**

1. Heard. Rule. Ms. Bane, learned AGP waives service for Respondent. Rule is made returnable forthwith by consent of the parties.

2. By this Petition, the Petitioner seeks directions to direct Respondent Nos. 2 to 5 to allot alternate land to the Petitioner available at village Pimple Jagtap, Taluka: Shirur, District: Pune bearing Gat No. 61/1/2 totally admeasuring 1 Hectares 20 Ares. The Petitioner has contended that there is already an Application filed on 1<sup>st</sup> September 2017 for allotment of alternate land. The Petitioner

has also made payment of 65% of the compensation amount on 25<sup>th</sup> August 1989. Learned counsel for the Petitioner also pointed out a certificate dated 22<sup>nd</sup> August 2017 thereby certifying that the land belonging to the Petitioner which were acquired were Class 1 tenure land. He therefore pointed out the letter dated 16<sup>th</sup> October 2017 issued by Rehabilitation Officer-Cum-Tahsildar, Khed, Pune thereby issuing no objection for the purpose of allotment of alternate land to the Petitioner.

3. Learned AGP states that though there is a recommendation letter attached to the Petition, she does not have any instructions as to whether the entitlement of the Petitioner is decided and whether any further orders are passed pursuant to the recommendation.

4. Learned counsel appearing for the Petitioner states that Petitioner would appear before Respondent No. 5 and submit necessary documents with respect to the land for which the Application is already filed for allotment of alternate land.

5. We accordingly direct the Respondent No.5 to decide the entitlement of the Petitioner for alternate land and if the Petitioner is

found eligible, to allot the said land within 8 weeks from today as well as hand over possession and make necessary entry in the revenue records with respect to allotment of the land in favour of the Petitioner.

6. It is made clear that if the land which is proposed by the Petitioner for allotment is not available for any reason, some other alternate land, as available, will be allotted in favour of the Petitioner within a further period of 8 weeks. In the event, for any reason the Application for allotment of alternate land made by the Petitioner is rejected by the Respondent, the Petitioner will be at liberty to exercise appropriate remedies as permissible under law.

7. Writ Petition is disposed of. Rule is made absolute in the above terms. There will be no order as to costs.

8. All the parties to act on authenticated copy of this order.

**(GAURI GODSE, J.)**

**(R. D. DHANUKA, J.)**