

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10513 OF 2023

Pandurang Sadashiv Yenpure & Ors.

..Petitioners

Vs.

State of Maharashtra Thr.

Its Dept. Revenue and Forest & Ors.

..Respondents

Mr. Aseem Naphade a/w Mr. Nirav Doshi i/b S. K. Legal Associates LLP,
for the Petitioner.

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

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

DATE : SEPTEMBER 27, 2023.

P.C.:

1. We have heard Mr. Naphade, learned counsel for the petitioner and
Ms. Gavhane, learned AGP.

2. The orders impugned in the present proceedings and passed in
respect of each of the petitioners are identical and the applications of the
petitioners for allotment of alternate land have been rejected for the
following reasons :-

“As per the provisions mentioned in the aforesaid Government
Resolution, the land is still remained in balance in the command
area of the Temghar Project and hence, it will not be appropriate to
allot you alternative land in the command area of other project.
Therefore, your application with regard to requisition of land in
other command area is disposed of.

Therefore, you are requested to submit an application a fresh
with regard to requisition of land in the command area, alongwith

the 7/12 extract.”

3. Considering the prayers as made in the petition and that there appears to be no dispute that the petitioners are project affected persons. In our opinion, it would be in the interest of justice that the respondents are directed to consider the applications of the petitioners in respect of the balance land which is available from the project.

4. Let such decision be taken within a period of four weeks from today, as the applications of the petitioners appear to be of the year 2017 being Application dated 17 February 2017. All contentions of the parties are expressly kept open.

4A. Let the Application be decided as expeditiously as possible within a period of four weeks from the date on which this order is presented before the authority.

5. Petition is disposed of in the above terms. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]

Corrected as per speaking to minutes of the order dated 16 February 2024.