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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 171 OF 2023**

Shri. Ravindra Anandrao Chavan and ... Petitioners
others

vs.

State of Maharashtra and others ... Respondents

Mr. C. K. Bhangoji for the Petitioners
Mrs. M. S. Bane AGP for Respondent Nos. 1 to 5

CORAM : R. D. DHANUKA &

GAURI GODSE, JJ.

DATED : 13 MARCH, 2023

P.C. :-

1. Rule. Learned AGP waives service for Respondents. Rule is made returnable forthwith.

2. By this Petition filed under Article 226 of the Constitution of India, the Petitioners seek a direction against the Respondents to delete/remove the remark of “reserved for rehabilitation of project affected persons” made in the revenue record of Gat No. 153/1/1 admeasuring 1 Hectare 29 Are situated at Village Ambethan, Taluka: Khed, District: Pune. (“subject land”)

3. It is the case of the Petitioners that they along with other co-holders are the owners of the subject land. The subject land is shown reserved for rehabilitation of the project affected

persons of Bhama Askhed project. The Petitioners contend that though the subject land does not fall within the benefited zone of the said project, the subject land is shown as reserved for rehabilitation of project affected persons, by making an entry in the revenue record of the subject land. Petitioners have relied upon a certificate dated 6th March 2018 which records that the subject land does not fall under the benefited zone of the said project. Thus it is contended by the Petitioners that though the subject land does not fall under the benefited zone, there is an entry made in the revenue record that it is reserved for rehabilitation of the project affected persons. In such circumstances, Petitioners are unable to deal with their own land. It is further contended on behalf of the Petitioners that the Government has not yet initiated any action for allotment of the subject land to any project affected persons and that there are no proceedings initiated for acquisition of the subject land.

4. In view of the aforestated facts, learned counsel appearing for the parties agree that no reasons are required to be recorded while disposing of this Petition, in view of the order passed by this Court on 2nd March 2022 in Writ Petition No. 5185 of 2014 in the case of **Namdeo M. Waghmare Vs. The State of Maharashtra & Ors** along with group of Petitions, as well as in view of the order passed by this Court on 3rd January 2023 in Writ Petition No. 15822 of 2022 in the case of **Balasaheb Pandharinath Dhamdhare & Ors Vs. The State of Maharashtra and others** along with group of Petitions.

5. Therefore, after hearing the parties, we pass the following order.

(i) State Government will complete the process of allotment of the subject land belonging to the Petitioners to the project affected persons, if required and the said process shall be completed within a period of 6 months from today without fail.

(ii) It is further directed that if the subject land is not allotted as stated above, the mutation entries effected showing the subject land as reserved for rehabilitation of the project affected persons, shall 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 6 months from today as stated above, the Petitioners shall be at liberty to deal with the subject land in the manner they desire and the State Government shall not initiate any acquisition proceedings in respect of the subject land after expiry of six months.

(iv) If the Petitioners' land which is made subject

matter of reservation for rehabilitation of project affected persons is allotted to project affected persons before expiry of six months, the State Government shall initiate acquisition proceedings under the provisions of The Maharashtra Project Affected Persons Rehabilitation Act, 2013 expeditiously and shall conclude the same in accordance with the provisions of the said Act.

(v) The Petitioners shall be informed within two weeks from the date of expiry of six months about the allotment of land in favour of project affected persons and/or about any proposal of the State Government to acquire the subject land in case the land is not allotted to project affected persons.

(vi) If the land is allotted to project affected persons but the proceedings of acquisition are not initiated within a period of six months from today, even in that event, the entry made in the revenue record showing the subject land as reserved for rehabilitation of project affected persons to stand deleted.

(vii) It is further made clear that Government Resolution dated 18th January 2022 and 11th February 2022 shall be read with this order so far as its application to the subject land is concerned.

6. Writ Petition is disposed of.
7. Rule is made absolute in the above terms.
8. There shall be no order as to costs.
9. All concerned to act on authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)