



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 452 OF 2023

(CHANDRASHEKHAR S/O RAMANAND GUPTA VS. STATE OF MAHARASHTRA AND OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.V.Sohoni, Advocate for the petitioner.
Smt N.P.Mehta, Additional G.P. for respondent Nos.1,3,4 & 7.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 7, 2023

Rule. Rule made returnable forthwith. Heard learned counsel for the parties.

2) The petitioner claims entitlement to allotment of land under the provisions of Displaced Persons (Compensation and Rehabilitation) Act,1954 (Act of 1954) pursuant to 'Will Deed' executed on 04/12/2013, by one Kundandas Jivatram Wadhwani.

3) The petitioner has been pursuing the matter and during pendency of the present proceeding, on 16/10/2023 he has made a representation to the Tahsildar, Shegaon, District – Buldhana seeking allotment of land. In the said representation, details of the alternate land available have been furnished.

4) In response, an affidavit-in-reply has been filed by the Tahsildar dated 02/11/2023. In paragraph 5 of the said affidavit-in-reply, it has been stated as under :-

“ 5. It is further submitted that recently the petitioner has made a representation dated 16/10/2023 and pointed out that there are other alternate lands/ Evacuee properties available at different places in Maharashtra State. It is further submitted that the Civil Litigation pending before Civil Courts may require some time and in that event there is a chance of delaying the execution of allotment

orders. Further, since there is no encroachment on these alternate lands, it will be easy for the authorities under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 to hand-over the clear and vacant possession of the alternate lands to the petitioner. ”

5) In view of the aforesaid submission made on behalf of the Tahsildar, the interest of justice would be served by directing the respondent No.3 Tahsildar, Shegaon, District – Buldhana to consider the petitioner’s representation dated 16/10/2023 in the matter of allotment of alternate land. The Tahsildar shall consider the availability of such alternate land and in accordance with the provisions of the Act of 1954 take further steps in the matter.

6) To facilitate consideration of the aforesaid representation, the petitioner shall appear before the Tahsildar on 01/12/2023. Within a period of six weeks from that date the representation shall be decided and the outcome thereof shall be communicated to the petitioner.

7) Writ Petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)