

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15826 OF 2023

Ravindra B Pingale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO. 5486 OF 2024

Jaysing Sonba Mule

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 5336 OF 2024

Dharma Soma Bhujbal Since Decd. Thr. Legal Heirs

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

AND

WRIT PETITION NO. 16319 OF 2023

Arjun Narayan Narke

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO. 10051 OF 2024

Mahesh Kalyan Gabhane

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 6329 OF 2024

Kalyan Kashinath Gabhane

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 16514 OF 2023

Dattatray Vitthalrao Dhamdhere And Anr.

...Petitioners

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 10046 OF 2024

Satish Manilal Gundecha

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 10049 OF 2024

Gajanan Baban Bhujbal

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 10048 OF 2024

Dattatray Kondiba Narke

...Petitioner

Versus

The State of Maharashtra, thr. GP & Ors.

...Respondents

WITH

WRIT PETITION NO. 9529 OF 2024

Arjun Anandrao Sakore

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sachin Deokar a/w Mr. Vignesh Ashokan, for Petitioners.

Mr. B. V. Samant, Addl. G. P. a/w Ms. S. S. Bhende, AGP for State in

WP No. 15826 of 2023, WP No. 5486 of 2024 & WP No. 5336 of 2024.

Mr. B. V. Samant Addl. G. P. a/w Mr. Rajan Pawar, AGP, for State in WP No. 16319 of 2024, WP No. 10051 of 2024, WP No. 6329 of 2024, WP No. 16514 of 2023, WP No. 10046 of 2024, WP No. 10049 of 2024, WP No. 10048 of 2024 & WP No. 9529 of 2024.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

DATE 08 AUGUST 2024

P.C.

1. This is a batch of petitions where the grievance of the petitioners is common. The grievance is that the respective lands of the petitioners were not acquired for the concerned irrigation projects and / or for the public purpose under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.
2. However, without the land being acquired, an entry has been incorporated in the revenue record in respect of these lands belonging to the petitioners that the same are reserved for the respective projects in relation to which such entries are made.
3. It is in these circumstances, the petitioners contends that it would be arbitrary as also illegal for the State to incorporate such entries in the revenue records showing the land to be reserved without any subsisting valid

notification for acquisition, which was taken to the logical conclusion resulting in the acquisition of the land.

4. It is submitted that there is no authority whatsoever that such entries can be made on any other lands required for such purpose, land stood acquired and the petitioners' lands were not subject matter of such acquisition, even the notification in that regard also having lapsed.

5. Learned counsel for the petitioners has submitted that similar issues had arisen before this Court. Our attention is drawn to an order passed by a co-ordinate Bench of this court of which one of us (G. S. Kulkarni, J.) was a member in Writ Petition No. 8010 of 2023 Dadabhau Ramdas Ransing and Ors. (page 171) in which this Court in similar circumstances and following similar orders passed earlier by this Court, had allowed the petition, directing that such entries be deleted by the respondents from the revenue records. We note the order dated 5 July 2023 passed on Writ Petition No. 8010 of 2023 which reads thus:

“1. Heard Mr. Deshpande, learned counsel for the petitioners and Mr. Pawar, learned AGP for the respondents.

2. The only prayer as made in the present proceedings reads thus:

a) This Hon'ble Court may, by way of appropriate writ Order or direction, direct the respondents to forthwith delete the entries of reservation from revenue record of the land Gat No. 36, area admeasuring 3 H 42R, situated at village Nimgaon Mhalungi, Tal. Shirur, Dist. Pune.”

3. Mr. Deshpande has drawn our attention to an order dated 2 March, 2022 passed by a co-ordinate Bench of this Court on a batch of petitions (Writ Petition No. 5185 of 2021- Namdeo M. Waghmore vs. The State of Maharashtra & Ors. and other Petitions). He submits that the grievance of the petitioners can be redressed if similar orders are passed. Mr. Deshpande has also drawn our attention to another order dated 18 January, 2023 passed by a co-ordinate Bench of this Court in Writ Petition No. 8623 of 2021 in case of Ankush Bapurao Thakur vs. The Deputy Collector Resettlement, Pune & Ors., to submit that in view of the said order passed by this Court, the respondents in the present case also need to delete entries of reservation from the revenue record in respect of the land in question.

4. Mr. Pawar, learned AGP would also not disagree that similar orders are passed by the Court as noted above.

5. We, accordingly, dispose of this petition with a direction to the respondents to take appropriate action within a period of ten weeks from today in respect of the prayer of the petitioners for deletion of entries of reservation from the revenue record. All contentions of the parties are expressly kept open.

6. Disposed of in the above terms. No costs.”

6. All these petitions concern a similar situation which fell for consideration of the Court qua the petitioners’ lands which have continued to remain on the record for number of years without the petitioners’ lands being subjected to acquisition, much less acquired.

7. In this view of the matter, Mr. Samant, learned Additional Government Pleader would also not dispute that the petitioners’ lands were not subject matter of acquisition. He would however submit that in the event the land is required for public purposes, all rights and contentions of the State Government needs to be kept open.

8. Certainly, the Court cannot curtail any authority of the State Government to acquire lands in exercising the powers of eminent domain, in the event such lands are required for public purpose. Such authority is always open to be exercised by the State Government in accordance with law.

9. In the light of the above discussion, we dispose of these petitions with the following directions.

i. The respondents are directed to take appropriate action within a period of 10 weeks from today to delete the entries of reservation of the petitioners' lands for the concerned project as reflected in the revenue record, in each of the petitioners' lands. The description of such land is made in the Writ Petitions as also in the prayer in the Writ Petition.

ii. The compliance of this be forwarded to the petitioners by a letter to be addressed by the Competent Authority.

iii. We observe that we have not examined any other contentions of the parties except what has been observed hereinabove.

iv. We also keep open all rights and contentions of the State Government, in the event any of these lands are required in

furtherance of any public purpose, for the same be acquired by following due procedure in law and in accordance with law.

10. Disposed of in the above terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)