

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11881 OF 2024

Kondiba Shankar Bhujbal	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

WITH
WRIT PETITION NO.5360 OF 2024

Nilesh Vitthal Holgunde	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

WITH
WRIT PETITION NO.13101 OF 2024

Rajendra Janardhan Dhamdhare	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

WITH
WRIT PETITION NO.13103 OF 2024

Vishnu Dattatray Dhamdhare	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

WITH
WRIT PETITION NO.10285 OF 2024

Shama Alias Shamrao Pandurang Shelar	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

WITH
WRIT PETITION NO.6040 OF 2024

Rahul Bandoba Dhamdhare	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.6041 OF 2024**

Sandesh Tatyoba Bhujbal	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.13100 OF 2024**

Subhash Bajirao Jedhe	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.13102 OF 2024**

Prabhakar Dnyanoba Dhamdhare & Ors.	....	Petitioners
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.13104 OF 2024**

Ananda Genba Gawari Since Deceased Through Legal Heirs	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**AND
WRIT PETITION NO.12127 OF 2024**

Sarjerao Nanabhau Pancharne	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**AND
WRIT PETITION NO.4522 OF 2024**

Dnynoba Sambhaji Narke	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.1282 OF 2024**

Shivaji Jagannath Gaikwad	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.1283 OF 2024**

Subhash Vishnu Chaudhari	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.7520 OF 2024**

Madhav Vishnu Chaudhari	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.7524 OF 2024**

Vaishali Maruti Shinde	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.10702 OF 2024**

Madhav Vishnu Chaudhari	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.14720 OF 2023**

Sachin Vinayakrao Dhamdhare	....	Petitioner
Vs.		
The State of Maharashtra & Ors.	....	Respondents

**WITH
WRIT PETITION NO.14572 OF 2023**

Shalambai Shivaji Dhamdhare Thr POA Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.14718 OF 2023**

Sandip Pandurang Dhamdhare Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.12153 OF 2024**

Jagannath Ashok Bhujbal Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.12155 OF 2024**

Daulat Sitaram Bhujbal & Anr. Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.12152 OF 2024**

Shrikrushna Nivrutti Fulavare Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.12154 OF 2024**

Aaba Maruti Thorat Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.16568 OF 2023**

Sunil Ramram Dhamdhare Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

Mr. Sachin H. Deokar a/w. Mr. Vignesh Ashokan for the Petitioner in Writ Petition Nos.11881/2024, 5360/2024, 13101/2024, 13103/2024, 10285/2024, 6040/2024, 6041/2024, 13100/2024, 13102/2024, 13104/2024, 4522/2024, 1282/2024, 1283/2024, 7520/2024, 7524/2024, 10702/2024, 14720/2023, 14572/2023, 14718/2023, 12153/2024, 12155/2024, 12152/2024, 12154/2024 & 16568/2023.

Mr. Sumit V. Khaire for the Petitioner in WP/12127/2024.

Mr. B.V. Samant, Addl.G.P a/w. Ms. S.S. Bhende, AGP for State in Writ Petition Nos.11881/2024, 5360/2024, 13101/2024, 13103/2024, 10285/2024, 6040/2024, 6041/2024, 13100/2024, 13102/2024 & 13104/2024.

Mr. Kedar Dighe, Addl.G.P a/w. Ms. S.S. Bhende for State in WP/12127/2024.

Mr. B.V. Samant, Addl.G.P a/w. Ms. P.J. Gavhane, AGP for State in Writ Petition Nos.4522/2024, 1282/2024, 1283/2024, 7520/2024, 7524/2024, 10702/2024, 14720/2023, 14572/2023, 14718/2023, 12153/2024, 12155/2024, 12152/2024, 12154/2024 & 16568/2023.

Ms P.N. Diwan, AGP for State in Writ Petition Nos.14572/2023, 14718/2023, 12153/2024, 12155/2024, 12152/2024, 12154/2024 & 16568/2023.

Ms P.J. Gavhane, AGP for State in Writ Petition Nos.4522/2024, 1282/2024, 7524/2024, 1283/2024, 7520/2024, 7524/2024 & 10702/2024.

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

DATE : 19 SEPTEMBER, 2024

P. C.

1. Rule, made returnable forthwith. Learned counsel for the respondents waive service. By consent of the parties, heard finally.
2. This is a batch of petitions wherein the grievance of the petitioners is common. The grievance is to the effect that the lands of the petitioners subject matter of each of these petitions although 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, however, an entry is incorporated in the revenue records qua each of the lands of the petitioners, indicating that the land is reserved for the respective irrigation projects, as set out in such revenue entries.
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 or any lawful acquisition of the land.

4. It is submitted that there is no authority whatsoever in law that such entries can be made when the petitioners' lands were not subject matter of acquisition as also the notification to proposing to acquire the land 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. vs. State of Maharashtra) in which this Court in identical circumstances and following the earlier orders passed 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. Our attention is also drawn to the order passed by this Court on a batch of petitions on 08 August 2024 (Ravindra B. Pingale vs. The State of Maharashtra & Ors.), the order passed on Writ Petition No. 10857 of 2024 dated 16 August 2024 (Parubai Yashwant Thorat vs. State of Maharashtra & Ors.) and the order passed on Writ Petition No. 7932 of 2024 dated 23 August 2024 (Mansingh Kondiba Kakde vs. The State of Maharashtra & Ors.) wherein the Court observed that revenue entries reserving the petitioner’s land without acquisition, cannot be continued for substantial period which was observed to be prejudicial to the rights and interest of the petitioner, so as to hold the land free from any encumbrance. It was observed that the petitioner’s rights guaranteed under Articles 14 and 300A of the Constitution of India

were prejudicially affected by such action of the respondents and accordingly the petitions were allowed.

7. All these petitioners are thus similarly placed as in the aforesaid proceedings which had come before the Court. The revenue entries being objected by the petitioners, have continued to remain on the record for number of years without the petitioners' lands being subjected to acquisition, much less acquired.

8. Mr. Samant, learned Additional Government Pleader as also Ms Diwan, Ms Gavhane, learned AGPs would also not dispute that the petitioners' lands were not subject matter of acquisition. They 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. Certainly, the Court cannot curtail the authority of the State Government to acquire lands in exercising its powers of eminent dominion. In the event such lands are required for public purpose, it is always open for the State Government to acquire the lands by adopting a procedure the law provides.

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 respect of each of the petitioners' lands of the description as made in the prayers of each of these Writ Petitions.

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 for any public purpose, in such event the lands be acquired in accordance with law.

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

[SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]