

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2024.10.23
12:03:27
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1428 OF 2024

Vishwanath Savla Bhagwat ...Petitioner(s)
Versus
Gavkamgar Talathi Sajja And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 1094 OF 2024**

Sonba Shripati Chavan Decd Thru Lrs And Anr ...Petitioner(s)
Versus
Gavkamgar Talathi, Sajja Nimgaon Mhalungi
Tal Shirur Dist. Pune And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 4387 OF 2023**

Dwarka Ganpat Yenbhar And Ors ...Petitioner(s)
Versus
District Rehabilitation Officer And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 1454 OF 2024**

Appa Bhikoba Gavhane Deceased
Throu. Legal Heir Popat A Gavhane
Since Deceased L.r.Aniket P Gavhane ...Petitioner(s)
Versus
Gavkamgar Talathi Sajja Koregaon Bhima
And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 5268 OF 2024**

Nanabhau Sadashiv Kapre And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi Sajja Vithalwadi
Takli Bhima And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 7221 OF 2024**

Vishal Ramdas Nagavade And Ors	...Petitioner(s)
Versus	
Gavkamagar Talathi And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 9404 OF 2022**

Prakash Maruti Dukare	...Petitioner(s)
Versus	
The Deputy Collector Resettlement Pune And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 12395 OF 2024**

Prakash Digambar Bhagwat And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi Sajja And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 12393 OF 2024**

Shivaji Bajirao Bhagwat And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi Sajja Nimgaon Mhalungi And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 11700 OF 2024**

Dattatraya Jaising Ransing And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi Sajja Nimgaon Mhalungi And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 12397 OF 2024**

Maniklal Shivilal Shah Since Dec Thr Lr ...Petitioner(s)
Versus
Deputy Collector Rehabilitation And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 12399 OF 2024**

Kondabai Rokdoba Zol Since Dec
Thr Her Legal Heir ...Petitioner(s)
Versus
Deputy Collector Rehabilitation And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 13711 OF 2024**

Balasaheb Sarjerao Chavan And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi, Sajja And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 12400 OF 2024**

Babasaheb Baban Gavate Since Deceased
Throu. His L.h. And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi Sajja Nimgaon And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 12402 OF 2024**

Santosh Ganpat Kokare ...Petitioner(s)
Versus
Gavkamgar Talathi Parodi And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 12390 OF 2024**

Sahebrao Vitthal Satav And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi, Sajja Nimgaon And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 720 OF 2024**

Deoram Raoji Take And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 1223 OF 2024**

Shyam Jayhind Pathare	...Petitioner(s)
Versus	
District Rehabilitation Office, Dist. Pune , Pune And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 13712 OF 2024**

Ashok Dagadu Bhagat	...Petitioner(s)
Versus	
District Rehabilitation Officer Pune And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 16490 OF 2023**

Jayram Balasaheb Chavan And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi, Sajja Nimgaon Mhalungi Tal Shirur Dist. Pune And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 7187 OF 2024**

Jayram Balasaheb Chavan And Ors	...Petitioner(s)
Versus	
Gavkamgar Talathi, Sajja Nimgaon Mhalungi Tal Shirur Dist. Pune And Ors	...Respondent(s)

**WITH
WRIT PETITION NO. 702 OF 2024**

Shahaji Vithoba Gaikwad	...Petitioner(s)
-------------------------	------------------

Versus
Gavkamgar Talathi Sajja Nimgaon
Mhalungi And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 1233 OF 2024**

Padmakar Gajanan Chavan And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi Sajja Pimpalgaon
Tarfe And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 16555 OF 2023**

Ramu Laxman Pawde Decd Thru Lrs ...Petitioner(s)
Versus
The District Collector, Pune Dist. Pune And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 3858 OF 2024**

Ravindra Pandharinath Kamathe ...Petitioner(s)
Versus
District Rehabilitation Officer, District Pune,
Pune And Ors ...Respondent(s)

**WITH
WRIT PETITION NO. 754 OF 2024**

Baban Arjuna Chavan And Ors ...Petitioner(s)
Versus
Gavkamgar Talathi , Sajja Nimgaon Mhalungi
Tal Shirur Dist. Pune And Ors ...Respondent(s)

Mr. Nitin P. Deshpande a/w Ms. Kanchan Phatak for Petitioner in
WP/1428/2024, WP/1094/2024, WP/4387/2023,
WP/1454/2024, WP/5268/2024, WP/7221/2024,
WP/9404/2022, WP/12395/2024, WP/12393/2024,
WP/11700/2024, WP/12397/2024, WP/12399/2024,
WP/13711/2024, WP/12400/2024, WP/12402/2024,
WP/12390/2024, WP/720/2024, WP/1223/2024,

WP/13712/2024, WP/16490/2023, WP/7187/2024,
WP/702/2024, WP/1233/2024, WP/16555/2023,
WP/3858/2024, WP/724/2024

Ms.Neha Bhide, G.P a/w Ms. S.D. Vyas, Addl. GP alongwith
Ms. M.S. Bane, AGP for state in WP/1428/2024, WP/1094/2024,
WP/11700/2024, WP/12397/2024, WP/12399/2024,
WP/13711/2024, WP/12400/2024, WP/12402/2024,
WP/11700/2024, WP/12397/2024, WP/12399/2024,
WP/13711/2024, WP/12400/2024, WP/12402/2024
Ms.R.M.Shinde, AGP for State in WP/5268/2024,
WP/7221/2024, WP/9404/2022,
Ms. P.P. More, AGP for State in WP/4387/2023, WP/1454/2024
Ms. S.S. Bhende, AGP for state in WP/12395/2024,
WP/12393/2024
Ms. P.J. Gavhane, AGP for State in WP/12390/2024,
WP/720/2024, WP/1223/2024

**CORAM : G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.**

DATE : 18TH OCTOBER, 2024

P. C.

1. **Writ Petition Nos. 12397 of 2024, 12399 of 2024 and 16555 of 2023** are de-tagged from these group of Petitions.
2. The following order is passed in the remaining Writ Petitions.
3. Rule, made returnable forthwith. Learned counsel for the respondents waive service. By consent of the parties, heard finally.

4. 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, which are the subject matter of each of these petitions, although not acquired for the concerned irrigation projects (Chaskaman Gunjavani) and/or for a 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.

5. It is in these circumstances that the petitioners contend that it would be arbitrary and 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.

6. It is submitted that there is no authority, whatsoever, in law that such entries can be made when the petitioners' lands were not the subject matter of acquisition and the notification proposing to acquire the land had also lapsed.

7. 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.”

8. Our attention is also drawn to an 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 a substantial period. It was observed that the same would be prejudicial to the rights and interests of the petitioners, who are entitled 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.

9. All these petitioners are thus similarly placed as in the aforesaid proceedings which had come before the Court. The

revenue entries, being objected to 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.

10. Ms.Bhide, G.P, Ms.S.D.Vyas, learned Additional Government Pleader as also Ms.Shinde, Ms.More, Ms.Bhende, Ms.Gavhane, learned AGPs, would also not dispute that the petitioners' lands were not the 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 need 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.

11. 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, the lands be acquired in accordance with law.

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

[FIRDOSH P. POONIWALLA, J.]

[G. S. KULKARNI, J.]