

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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 Dhamdhere		Petitioner
Vs		
The State of Maharashtra & Ors.		Respondents

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

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

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

Sandip Pandurang Dhamdhere		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

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

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

Mr. Sachin Deokar a/w. Mr. Vignesh Ashokan for the Petitioner.
Ms P.N. Diwan, AGP a/w. Mrs. P.J. Gavhane, AGP for State.

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

DATE : 05 SEPTEMBER, 2024

P. C.

1. This is a batch of petitions which were listed before us on the earlier occasion on 29 August, 2024, when we had passed the following order:-

- “1. To enable Ms. Diwan, learned AGP for the State to take instructions on these writ petitions as to whether the land in question belonging to the petitioners was acquired and whether the land acquisition award was published, stand over to 05 September, 2024.*
- 2. To be listed on the supplementary board.*
- 3. We may also observe that learned counsel for the petitioners has submitted that as the issue pertains to deletion of the revenue*

entries indicating the name of the State Government in respect of the petitioners' land, this Court had occasion to consider the issue in several petitions. He has placed for our consideration the orders passed by this Court on the similar issue, a copy of which is also handed over to Ms. Diwan.

4. Writ Petition No.3190 of 2024 and Writ Petition No. 5335 of 2024 are wrongly tagged. Both these petitions be detagged and be listed independently on 05 September, 2024."

2. The prayer of the petitioners is for deletion of the entries as made in the revenue records depicting that the land is reserved for project affected persons, namely; the Gunjavani Project, except in Writ Petition No.12154 of 2024 it is shown as reserved for Baji Pasalkar Dam. The acquisition in question relevant to these petitions had commenced in the year 1997, and since then the revenue records bear an entry that the land of the petitioners being reserved for such project, however, with no steps taken to acquire their lands and no award ever published.

3. We may observe that petitions praying for similar reliefs had come up before this Court. In such context, learned counsel for the parties have tendered orders passed by a Division Bench of this Court in *Parubai Yashwant Thorat Vs. State of Maharashtra & Ors.*¹(**"Parubai Thorat"**) and *Mansingh Kondiba Kakde Vs. The State of Maharashtra & Ors.*²(**"Mansingh Kakde"**) wherein this Court considering similar situations and prayers, had granted reliefs

¹ Writ Petition No.10857 of 2024 dated 16 August, 2024.

² Writ Petition No.7932 of 2024 dated on 23rd August, 2024.

to the petitioners therein as the State had taken a fair position that award was not passed in the case of the said petitioners.

4. Today, the learned AGP states that although the Court had passed an order on the earlier occasion as noted by us, she could not obtain instructions, and therefore, she seeks an adjournment. We may observe that the petitioners have already suffered for almost 25 years as a consequence of an embargo as placed in the revenue records showing the Government's name. In the light of the clear observations made by this Court in the earlier orders that continuation of such encumbrance would certainly amount to infringement of the fundamental rights guaranteed to the petitioners under Article 14 and as also the rights guaranteed under Article 300A of the Constitution of India, in our *prima facie* opinion the petitioners would also be entitled to similar reliefs.

5. We expected that the learned AGP would be provided with instructions. However, even the basic information as to whether awards are passed acquiring the petitioners' land is being not provided by the concerned officer.

6. In the above circumstances, as a matter of last chance, we adjourn the proceedings on 12th September, 2024 (First on Board),

to enable the concerned officials to provide the said instructions to the learned AGP. In the event, the learned AGP is not provided with the instructions, the concerned officer is directed to remain present in the Court along with all the records, who shall also file an affidavit addressing the issues raised by us in our earlier order as also the present order. Accordingly, stand over to **12th September, 2024.**

7. Parties to act on an authenticated copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]