IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13950 OF 2024

Mahendra Dattatraya Bhosale ...Petitioner
Versus
The State of Maharashtra And Ors. ...Respondents

WITH
WRIT PETITION NO.13951 OF 2024

Sushma Vilas Bhosale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO.13959 OF 2024

Pooja Vilas Bhosale …Petitioner
Versus
The State of Maharashtra and Ors. … Respondents

WITH
WRIT PETITION NO.14284 OF 2024

Aniket Vilas Bhosale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO.14289 OF 2024

Surendra Dattatraya Bhosale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO.14292 OF 2024

Vilas Dinkar Bhosale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Venkatesh Shinde a/w Rajendra Shinde & Ajayrao Shinde, for the Petitioners.
Ms. Rupali Shinde, AGP, for respondent Nos. 1 to 6 in WP No. 14292/2024.
Mr. A. I. Patel, Addl. G.P., a/w. Savina R.Crasto, AGP, for respondent Nos. 1to 6 in WP Nos. 14289/2024.
Smt. V. R. Raje, AGP for State in WP No. 14284/2024.
Ms. Savina R. Crasto, AGP, for State in WP No. 14284/2024.
Mr. S.H. Kankal AGP for the Respondents in WP No. 13950/2024.
Mr. A. I. Patel, Addl. G.P., with S. I. Babar, AGP, in WP No.13951/2024.
Mr. A. I. Patel, Addl. G.P., with A. C. Bhadang, AGP, in WP No. 13951/2024

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 20 DECEMBER 2024

P.C.:

PALLAVI MAHENDRA WARGAONKAR
Digitally signed by PALLAVI MAHENDRA WARGAONKAR
Date: 2024.12.27 17:19:02 +0530

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 petitioner is common. The grievance is to the effect that the lands of the petitioner, which are the subject matter of each of these petitions, although not acquired for the concerned irrigation projects (Bhama-Askhed) 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. We note Gat numbers of the respective lands in each of these petitions:

Sr. Nos.	Writ Petitions	Gat Nos.	Description
1.	Writ Petition No. 13950 of 2024	47/1	Sashte, Tal. Haveli, Pune
2.	Writ Petition No. 13951 of 2024	47/3, 47/5, 47/13	
3.	Writ Petition No. 13959 of 2024	47/13	
4.	Writ Petition No. 14284 of 2024	47/5	
5.	Writ Petition No. 14289 of 2024	47/7	
6.	Writ Petition No. 14292 of 2024	47/3	

3. 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.

4. 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.

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), wherein this Court, in identical circumstances and following the earlier orders passed by the Court, had allowed the petition, directing that such entries be deleted by the respondents from the revenue records. We note one of such order dated 5 July 2023 passed in 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."
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> 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.
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> 4. Mr. Pawar, learned AGP would also not disagree that similar orders are passed by the Court as noted above.
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> 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 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 in similar circumstances, 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 and violative of the petitioner's rights guaranteed under Articles 14 and 300A of the Constitution of India which were prejudicially affected, by such action of the respondents and accordingly the petitions were allowed.

7. The petitioners in the present petitions similarly placed 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.

8. Mr. A.I. Patel, learned Additional Government Pleader as also Ms. V. R. Raje, M.V. Babar, Ms. R.M. Shinde, Mr. S.H.Kenkal, Ms. Savina R. Crasto and Mr. A.C. Bhadang, 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 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 Domain. 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, the lands be acquired in accordance with law.

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

[ADVAIT M. SETHNA, J.] [G. S. KULKARNI, J.]