

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

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**WRIT PETITION NO. 3519 OF 2022**

Kalu Dattu Pawar

... Petitioner

*Versus*

The State of Maharashtra & Ors.

... Respondents

**WITH  
WRIT PETITION NO. 10313 OF 2022**

Eknath Dattu Sawant & Ors.

... Petitioners

*Versus*

The State of Maharashtra & Ors.

... Respondents

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**Mr S. G. Deshmukh i/by Mr. G. T. Kanchanpurkar** for  
Petitioners in both the petitions.

**Mr R. S. Pawar, AGP** for State in WP/3519/22.

**Smt V. R. Raje, AGP Datar** for State in WP/10313/22.

**Mr Sachin Gite** for Respondent no.9 in both petitions.

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**CORAM : M.S. Sonak &  
Jitendra Jain, JJ.**

**DATED : 7 MAY 2025**

**PC (M. S. Sonak, J) :-**

1. Heard learned counsel for the parties.
2. Rule. The rule is made returnable immediately at the request and with the consent of the learned counsel for the parties.

3. The petitioners have sought a writ of mandamus to pay cash compensation instead of compensation in the form of agricultural land.
4. There is no dispute that the petitioners are the project-affected persons [PAPs] and were offered agricultural lands as compensation/rehabilitation. However, for various grounds and reasons set out in the petition, the petitioners have claimed cash compensation instead of agricultural lands.
5. The 9<sup>th</sup> respondent, i.e., the acquiring body, has filed an affidavit dated 7<sup>th</sup> May 2025 in this petition. By this affidavit, the 9<sup>th</sup> respondent has acceded to the petitioners' demand for cash compensation. This is evident from paragraph 4 of the affidavit, which is transcribed below for the convenience of the reference:-

*“4. I say that the Respondent No. 9 had sent the fresh proposal on 16.07.2024 to the office of the Respondent no. 2, and thereby proposed to grant the monetary compensation to the project affected persons from Village Jinti and Village Nigade. I say that, some of the villagers accepted the alternate land offered to them in Sangli District, however, 197 project affected persons were not ready to accept the alternate land offered to them for which a demand for Rs.70.71 crores was made. The Respondent no 1 and 2 thereafter took the policy decision to give the monetary compensation to these 197 project affected persons instead of the alternate land. The Government of Maharashtra by its letter dated 10.10.2024 have informed the office of the Respondent No. 9 that the proposal for giving the monetary compensation instead of the alternate land for the project affected persons of Wang Marathwadi Medium Irrigation Project is accepted. Hereto annexed and marked as EXHIBIT - A is the copy of the said proposal sent by the office of the Respondent No. 9 and the letter received from the office of the Respondent No. 1 dated 10.10.2024.*

6. Mr. Gite states that the affidavit filed by the 9<sup>th</sup> respondent, though filed in Writ Petition No.3519 of 2022, may also be taken as filed in connected Writ Petition No.10313 of 2022.

7. Mr. Deshmukh, learned counsel for the petitioners, states that in view of the above statement, the petition could be disposed of by directing the respondents to pay the petitioners the cash compensation within a time-bound schedule.

8. Mr. Deshmukh states that the petitioners lost their lands in 1997. The alternate agricultural lands were allotted only in 2018. However, that was not suitable, and therefore, the petitioners have been demanding cash compensation. The petitioners did not even accept the alternate lands, and admittedly, possession of the alternate lands was never handed over to the petitioners, though it may have been offered in 2018.

9. Thus, from 1997 to 2018, the petitioners were neither paid any compensation nor any alternate lands. Mr. Gite submits that 100% of the compensation was paid to the petitioners, but 65% had to be returned by the petitioners to the Government for alternate lands. Thus, the petitioners have received 35% of the compensation amount.

10. Still, considering that the petitioners were dispossessed in 1997, we direct that the cash compensation amount in lieu

of alternate lands must be paid to the petitioners within three months from the date this order is uploaded.

**11.** The rule is made absolute in the above terms. Both the petitions are disposed of with the above direction, but without costs.

**12.** All concerned must act on an authenticated copy of this order.

**(Jitendra Jain, J)**

**(M.S. Sonak, J)**