

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7083 OF 2021

Satappa Rama Patil

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Manoj Patil a/w. Mr. Shubham Dhenge for the Petitioner.

Mr. V.M. Mali, A.G.P. for the Respondent Nos.1 to 3-State.

Ms. Chaitrali Deshmukh (Through V.C.) a/w. Mr. Rutik Kashid for Respondent No.5.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 6th October 2025.

P. C. :

- 1.** Heard learned counsel for the parties.
- 2.** The dispute is in respect of the land bearing Gat No. 311, area 58 R situated at Mungli, Taluka Kagal, District Kolhapur.
- 3.** As per the Affidavit filed by the Respondent No.2 – Deputy Collector (Resettlement), Collector Office, Kolhapur, out of 58 R, 40 R land was allotted to Shri Pandurang S. Rane on 5th June 2008 and

Mutation Entry No. 1107 was recorded. The balance area of land admeasuring 18 R is remaining in the name of Collector and Deputy Director, Project Resettlement (Land), Kolhapur. In para No.5, it is stated that the land was acquired for the Chikotra Project and allotted to PAP. It is stated that the Collector Office will take necessary steps to give compensation amount and send proposal of acquisition to the concerned Land Acquisition Officer. It is obvious that the mutation entry in respect of said land was entered without initiating any proceedings of acquisition of land under the provisions of Land Acquisition Act.

4. We have also perused the Additional Affidavit filed on behalf of Respondent No.2. In the Additional Affidavit, it is fairly stated that the balance land in Chikotra Project is allotted to the project affected person Shri Rane and the Petitioners land which was not acquired, if restored to the Petitioner, then there will be no burden on the Government to pay compensation to the Petitioner.

5. Ms. Chaitrali Deshmukh, learned counsel appearing for the Respondent No.5 submits that the Collector has already acquired surplus land of 27 Hector, which is available for rehabilitation of remaining project affected persons.

6. In this view of the matter, as the compensation is not paid, nor any land acquisition proceedings are initiated in respect of the area of 58 R of

the Petitioners land, which is the subject matter of the Petition, and further in view of the specific stand of the Government i.e. Deputy Collector (Resettlement) that the balance land in Chikotra Project could be allotted to the project affected person Shri Rane, there is no difficulty in allowing this Petition.

7. Accordingly, project affected person Shri Rane can be allotted the land from the surplus land, which is available with the Respondents. Since the Petitioner's land is now released from acquisition proceedings, there is no question of compensation to the Petitioner. The 7/12 extract of the mutation entry in respect of the land of 58 R belonging to the Petitioner be rectified and the name of the Petitioner be entered in the revenue record on application made by the Petitioner. The necessary entries in the revenue record may be made by the concerned revenue officer incorporating the name of the Petitioner as owner within a period of two weeks from the date of application. The possession of the subject land is already with the Petitioner.

8. In view of what is stated, the Petition is disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.10.06
19:00:58
+0530