

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12784 OF 2022

Tukaram Jivaba Patil

Since deceased Thr. L.Rs. And Others. ...Petitioners.

Versus

Additional Collector, Kolhapur and Another. ...Respondents.

*Mr. Kedar Lad and Atish Kasabekar i/b P. D. Dalvi for the Petitioners.
Mr. S. B. Kale, AGP for the Respondent-State.*

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 2, 2025.

P. C. :

1. Heard learned Counsel for the Petitioners.
2. After the matter was deliberated for some time, learned AGP submitted that he would take instructions from the District Resettlement Officer about resolving the issue in a pragmatic manner considering the complications that have arisen by passage of time. The suggestion is reasonable.
3. By an order of 19th December 2016, this Court had disposed of Writ Petition No.11097 of 2016 by passing following order :

“Admittedly, the lands of the petitioners were acquired for Dudhganga Irrigation Project in District of Kolhappur. To some extent, the petitioners were fortunate enough for having been allotted lands in Gat No.544/A situated at Village Terawad, Tal.Shirol, Dist. Kolhapur. But except

allotment on paper, possession of the lands are not yet handed over to them, in spite of the allotment being made in the months of March and April 2016 admeasuring 90 ares and 80 ares respectively. Nothing is placed on record indicating any obstacle or impediment which could be termed as legal. In that view of the matter, we direct the respondent authorities to hand over the possession of these two portions of the land, which were already allotted in March and April 2016. The entire process has to be completed within two months from today.”

4. Thereafter, by an order of 20th June 2019, issued by the Additional Collector, Kolhapur, allotment order to the extent specified in the order dated 20th June 2019 has been cancelled. Learned Counsel for the Petitioners submits that such cancellation is illegal, as what was allotted to the Petitioners was in terms of their entitlement. Learned AGP, on the other hand, submitted that Petitioners were allotted land in excess of their entitlement and therefore there is no reason to interfere with the impugned order.

5. As indicated earlier, pursuant to deliberations across the bar, learned Counsel for the Petitioners as well as learned AGP on the instructions of Ms. Varsha Shingan, District Resettlement Officer, Kolhapur, who is personally present in Court, submitted that impugned order dated 20th June 2019 can be set aside and that the competent authority will proceed to pass appropriate orders regarding the entitlement of Petitioners and allotment of land in accordance with law after hearing the Petitioners.

6. Accordingly, impugned order dated 20th June 2019 is quashed

and set aside. Since the Additional Collector, Kolhapur will be hearing the Petitioners afresh and considering the representation made by Petitioners for allotment of land to the extent of their entitlement, order dated 19th December 2016 which is passed by this Court in Writ Petition No.11097 of 2016, copy of which is at page No.28 of present petition, counsel for the Petitioner fairly submits that the observations made therein need not be considered while deciding the entitlement of Petitioners afresh. The order dated 19th December 2016 need not be acted upon in such view.

7. The Additional Collector not to be influenced by any observations made in the order dated 19th December 2016. Petitioners are permitted to file a comprehensive representation to the Additional Collector within a period of four weeks from today. On receipt of such representation, the Additional Collector, Kolhapur shall hear the Petitioners and decide the said representation on its own merits and in accordance with law as regards the entitlement of Petitioners and allotment within a period of 12 weeks from the date of receipt of such representation. Petitioners to co-operate with the Additional Collector.

8. In this view of the matter, petition is disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]