



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4812 OF 2024

Mahadu Bhika Muluk

since deceased through legal heir:

1A. Parvatibai Mahadu Muluk & Ors.

...Petitioners

Versus

The State of Maharashtra,

Through Principal Secretary,

Department of Revenue and Forest & Ors.

...Respondents

Mr. Wasim Samlewale for the Petitioners.

Mr. R. S. Pawar, AGP for the Respondent-State.

Mr. Sanjiv Sawant a/w Ms. Shital Tanpure for Respondent Nos.4A, 4B and 4E(a).

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

DATED : 30 April 2025

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

1. Heard learned counsel for the parties.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. Mr. Samlewale states that all Respondents have been served. By our order dated 3 January 2025, we clarified that this petition would be disposed of finally at the admission stage. Liberty was also granted to the Respondents to file their affidavits by 31 January 2025. We also clarified that if no affidavit is filed, we will proceed on the basis that the Respondents have nothing further to say in this matter.
4. The Petitioners' land had been acquired for rehabilitating project affected persons including the predecessor in title of Respondent

No.4. Upon such acquisition, the Petitioners' land was allotted to the predecessor in title of Respondent No.4. However, it was the Petitioners' case was that the Petitioners were never dispossessed and further, this acquisition was also *ultra vires* and illegal.

5. The Petitioners, therefore, instituted Civil Writ Petition No.1491 of 1998 in this Court. The Division Bench of this Court disposed of this petition by order dated 4 October 2000, which reads as follows:-

- "1. Heard the learned Counsel appearing for the parties. Rule. Returnable forthwith. By consent, petition is taken up for hearing.*
- 2. The proposed acquisition of the petitioners' land admeasuring 38 Gunthas out of Gat no.521 situated at village Chas, Taluka Khed, District Pune is impugned in the present petition. The learned A.G.P. shri Sonawane very fairly conceded that the area of 38 R is not included in the declaration issued under sec. 6 of the Land Acquisition Act. The land is also not covered by Award which came to be passed by S.L.A.O. The short grievance of the petitioners is that without giving them any notice, and personal hearing the land is sought to be acquired by the State Government and is being allotted to respondent no.4. As the land is not included in sec. 6 declaration and is not covered by the Award the State Government has no power to allot the same to the project affected It person. seems that 38 Gunthas has been allotted to respondent no.4 mutation entry vide dated 1st July, 1998 bearing no. 63. We quash and set aside the said mutation entry. We direct the District Resettlement Officer to allot an alternate land to respondent no.4 within a period of two months.*
- 3. Rule is made absolute on above terms. No order as to costs.*
- 4. Civil Application does not survive and hence rejected."*

6. The Petitioners state that though this Court, by the above order, quashed and set aside the mutation entry made in favour of the predecessor in title of Respondent No.4, to date, such entry continues in the revenue records. Mr. Sawant who appears for Respondent Nos.4A, 4B and 4E(a) states that till date, the District Resettlement Officer has not allotted any alternate land to the legal representative of the

deceased of Respondent No.4. He points out that the direction was to allot alternate land within two months on the making of the order dated 4 October 2000.

7. As noted above, the State authorities have not filed a response. The Petitioners assert that Respondent No. 4's original name continues in the survey records despite this Court's order dated 4 October 2000. Similarly, Mr. Sawant asserts that no alternate land has been allotted to Respondent No. 4's legal representative to date.

8. The State and its officials do not appear to have bothered to implement the directions in this Court's order dated 4 October 2000. The prejudice to the Petitioners and Respondent No.4 is indeed serious. There is no dispute about Respondent No.4 being a project-affected person. The allotment of land to the Respondent No.4 was struck down by this Court, with directions to allot the Respondent No.4 alternate land within two months. This direction is still not complied with. Similarly, even though the Petitioners secured a favourable order and the mutation entry favouring the Respondent No.4 was quashed, to date, the entry in the revenue records has not been changed.

9. Therefore, we direct Respondent Nos 2 and 3 to do the following within the timeline indicated below:-

- (a) To ensure that revenue records are corrected, the name of Respondent No.4 or their legal representatives is deleted, and the Petitioners' names are reinstated. This exercise must be completed within four weeks of uploading this order.
- (b) Alternate land should be allotted to the legal representatives of the deceased of Respondent No.4 within three months of such Respondents appearing

before Respondent No.3 and producing an authenticated copy of this order ;

10. The Respondent No.3 must file a compliance report in this Court regarding the compliance with the above two directions on or before 31 August 2025 by giving an advance copy to the learned counsel for the Petitioners and the legal representatives of Respondent No.4.

11. The Respondent Nos. 2 and 3 must take all steps to ensure compliance, and for this purpose, if necessary, hold a meeting with the legal representatives of Respondent No.4, identify the alternate site and make the necessary allotment. Respondents Nos. 2 and 3 must ensure that the legal representatives of Respondent No.4 are allotted physical possession of the alternate land and not just an allotment letter, as was done on the previous occasion. This is without prejudice to the rights and contentions of the legal representatives of Respondent No.4 to claim, damages etc.

12. The Rule is made absolute in the above terms without any cost order. All concerned are to act on an authenticated copy of this order.

(Jitendra Jain, J.)

(M. S. Sonak, J.)