

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.989 OF 2025

Shri. Balu Vithoba Tope	...Petitioner
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. Jotiram R. Jadhav, for the Petitioner.

Ms. S.D.Vyas, Addl GP a/w. Ms. S.D.Chipude, AGP, for State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 9th October 2025

P.C.

1. This Petition under Article 226 of the Constitution of India praying for the following substantive relief :

[a] Rule be issued. Record and proceedings be called for.

[b] That this Hon'ble Court by way of appropriate writ, order, or direction, be pleased to direct the Respondent No.2 to direct his officers to delete the entries of reservation for the project affected persons from the other right column of 7x12 extract of Gat No. 12 admeasuring 80 R situated at village Waki Khurd, Tal. Khed, Dist.Pune and further be pleased to quash and set aside the Clause No.1to 4 of the order dated 02.05.2009 passed by the Respondent No.6 and subsequent Mutation Entry No. 1041 dated 06.07.2009.

[c] That this Hon'ble Court by way of appropriate writ, order or direction, be pleased to hold and declare that the restrictions imposed under Sub Section 1 of Section 12 shall not apply to the lands of the Petitioners bearing Khata No.67 [adm. 4 H 11 R] situated at village Waki Khurd, Tal. Khed, Dist. Pune in view of the provisions of Sub Section 7 of Section 13 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

[d] That this Hon'ble Court by way of appropriate writ, order, or direction, be pleased to direct the Respondents to permit the Petitioner to

deal with his land bearing Gat No.12 situated at village Waki Khurd, Tal. Khed, Dist. Pune on such terms and conditions as this Hon'ble Court may deem fit and proper.

[e] Pending the hearing and final disposal of the present Writ Petition, the Respondents be restrained from initiating the acquisition proceedings and/or dealing with or disturbing the possession of land bearing Khata No.67 situated at village Waki Khurd, Tal. Khed, Dist. Pune.

[f] Interim / ad-interim relief in terms of prayer clause (e) above may kindly be granted.

[g] Any other just and consequential relief/ order may kindly be passed in favour of the Petitioner as this Hon'ble Court may deem fit and proper in the interest of justice.

2. Case of the Petitioner is that the land in question viz. Land admeasuring 80 R out of Gat No.12 situated at village Waki Khurd, Tal. Khed, Dist. Pune is the subject matter of acquisition. However the same was not acquired. The acquisition is stated to have lapsed. However, the remark in the Revenue record stating that the land is subject to acquisition still remains and needs to be deleted. It is submitted that continuation of such remark is in fact violative of the Petitioners right to hold the said land as guaranteed under Article 300A of the Constitution of India. Learned counsel for the Petitioner has also drawn our attention to the similar orders passed by this Court (*Writ Petition No.3675/23 Rajeev Ratnakar Patil Vs. District Resettlement Officer Pune & Ors.*) which was in respect of land in the very same village. We have perused such order (Exhibit B page 62). In our opinion, similar reliefs as granted by this Court in the said proceedings and are required to be granted here. We accordingly dispose of this Petition in terms of following direction:

I) Respondents are directed to consider this Petition as a representation made by the Petitioner to take an appropriate decision in regard to the deletion of the entries in the Revenue record in respect of the land of the Petitioner being land admeasuring 80 R out of Gat No. 12 situated at village Waki Khurd, Tal. Khed, Dist.Pune in regard to which the acquisition has lapsed. The said decision be taken within a period of 8 weeks from today.

ii) Disposed of in the aforesaid terms, no costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)