

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

WRIT PETITION NO.4170 OF 2025

Purogami Shikshan Prasarak Mandal
Public Charitable Trust through Secretary

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.V.A.Shastry, Advocate for Petitioner.

Mr.S.R.Nargolkar i/by Mr.Arjun Kadam, Advocate for Respondent no.4.

Mr.R.S.Pawar, AGP, for Respondent nos.1 to 3 State.

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

DATE: 10th September 2025

P.C.

1. This writ petition under Article 226 of the Constitution of India is filed, inter alia, challenging the communications dated 26th August 2021 and 11th June 2025 issued respectively by the Deputy Collector (Rehab) and Additional Collector, Pune, which for the first time is placed on record in the reply affidavit of Mr.Suhas Mapari, Additional Collector, Pune District, dated 11th July 2025. The communication dated 11th June 2025 is reiteration of the earlier communication dated 26th August 2021 of the Deputy Collector (Rehab) rejecting the Petitioner's request for allotment of the land for the school which is being conducted from the year 1990 and in which about 1,000 students are receiving education. The school has also adjoining playground, both of which are situated at new Gat No.537 (old Gat N.987). The Petitioner occupies land admeasuring 1 H 20 Are area, in the said

Gat number. It appears from the proceedings of the companion petition bearing Writ Petition No.10810 of 2023 (heard by us today) and more particularly the reply affidavit filed on behalf of State Government by Mr.Ajay More, Additional Collector, Pune, the following stand was taken by the Additional Collector in regard to the school :

“I say that the Petitioner paid the amount as reflected in the Challan with regard to the land bearing Gat No.573 at Sortapwadi. However, the said land admeasuring 1 H 61 R is in the name of Respondent no.3. The area admeasuring approximately 1 H 20 R is occupied and in possession of the Respondent no.4 School since 1990. As per the record of Deputy SLR, Haveli, the map of Gat No.987 shows that a Distributary of Veer Baji Pasalkar is existing in the remaining land. The record of the Charity Commissioner shows that this land forms trust property. Hereto annexed and marked as Exhibit-A is the copy of report from CC Office. I say that it would not be proper to disturb the students studying in the school. As the school is providing the Education to the as many as 1000 students from the nearby vicinity”.

2. It clearly appears that insofar as such land is concerned, the Petitioner is stated to be in possession since 1990. It is running an aided school having 1000 students who are receiving education. It is also contended that the school has several credentials. It is serving the society at large by offering education to the students in the vicinity. It is in such situation the Petitioner is enjoying the land in question along with a playground from 1990 i.e. about 35 years and is seeking allotment of the said land, although some part of the land was acquired for rehabilitation of Project Affected Persons (‘PAP’) from the total area of the Gat No.537.

3. The proposal/application as made by the Petitioner for allotment of the said land has been rejected earlier by the Deputy Collector (Rehab) and subsequently by Mr.Suhas Mapari, Additional Collector, Pune, vide letter dated 11th June 2025.

It appears to us that in relation to the claim as made by the PAP Smt.Heera Zore who is the petitioner in companion Writ Petition No.10810 of 2023, the issue is in respect of land involving the school, as also the rights of the PAP, which is now referred by the Additional Collector Mr.Suhas Mapari to the Additional Chief Secretary, Relief and Rehabilitation, vide communication dated 5th May 2025. Such application of the Additional Collector is pending consideration of the Additional Chief Secretary (R&R).

4. However, insofar as the claim of the Petitioner is concerned, for allotment of land for school and more particularly such school being conducted from the year 1990 i.e. for 35 years, we are fairly informed at the Bar that the appropriate authority which needs to take the decision is the Hon'ble Minister for Revenue, as the allotment of the land would be required to be made in the peculiar circumstances under the provisions of Maharashtra Land & Revenue Code and Rules framed thereunder, qua such Government land. As noted hereinabove, as urged by Mr.Shastri, there are several credentials which are necessarily to be taken in to consideration, which appears to be a bona fide case of the Petitioner for allotment of said land.

5. In this view of the matter, we are inclined to dispose of this petition by permitting the Petitioner to make a detailed representation/application to the Hon'ble Minister for Revenue, Government of Maharashtra for allotment of the land to the extent of 1H 21 Ares in Gat No.537 of village Sortapwadi, Taluka Haveli, District Pune. Such application/representation be made within a period of three weeks from today. The Hon'ble Minister for Revenue, Government of

Maharashtra, shall consider the Petitioner's application/representation and pass appropriate orders thereon considering the peculiar facts and circumstances of the case. All contentions of the parties in that regard are expressly kept open.

6. Needless to observe that the representation/application of the Petitioner shall be considered by the Hon'ble Minister for Revenue, Government of Maharashtra without being influenced by the communication of Additional Collector dated 5th May 2025 and a fresh decision shall be taken in the peculiar facts and circumstances of the case.

7. Ordered accordingly.

8. The petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)