

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

WRIT PETITION NO. 1045 OF 2024

Ganesh Sampat Tanpure And Ors ...Petitioners
Versus
The State Of Maharashtra Thr
Revenue And Forest Dept. And Ors ...Respondents

AND

WRIT PETITION NO. 11671 OF 2024

Ramdas Shankar Bhujbal ...Petitioners
Versus
The State Of Maharashtra Thr Its Secretary And Ors ...Respondents

AND

WRIT PETITION NO. 15757 OF 2024

Manik Baburao Daundkar ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

AND

WRIT PETITION NO. 4242 OF 2025

Akshay Rajendra Dhamdhare ...Petitioners
Versus
The State Of Maharashtra Through G.p. And Ors ...Respondents

AND

WRIT PETITION NO. 7538 OF 2025

Rajendra Kondiba Bhujbal ...Petitioners
Versus
The State Of Maharashtra Through G P And Ors ...Respondents

AND

WRIT PETITION NO. 7543 OF 2025

Ganesh Piraji Wadghule ...Petitioners
Versus
The State Of Maharashtra Thoru. Govt Pleader And Ors ...Respondents

AND

WRIT PETITION NO. 7688 OF 2025

Nathu Maruti Shinde ...Petitioners
Versus

The State Of Maharashtra Through G P And Ors ...Respondents

AND

WRIT PETITION NO. 8293 OF 2025

Sayaji Ganpat Raut ...Petitioners

Versus

The State Of Maharashtra And Ors ...Respondents

AND

WRIT PETITION NO. 8972 OF 2025

Ismail Fakirmahmad Attar And Ors ...Petitioners

Versus

The State Of Maharashtra Throu. Govt Pleader And Ors ...Respondents

AND

WRIT PETITION NO. 8973 OF 2025

Vilas Dattatray Jagtap And Anr ...Petitioners

Versus

The State Of Maharashtra And Ors ...Respondents

AND

WRIT PETITION NO. 12341 OF 2025

Sumtelal Hiralal Gundhicha And Anr ...Petitioners

Versus

The State Of Maharashtra Thr Gp And Ors ...Respondents

AND

WRIT PETITION NO. 12342 OF 2025

Arjun Namdev Wable ...Petitioners

Versus

The State Of Maharashtra Thr. G. P. And Ors ...Respondents

AND

WRIT PETITION NO. 12344 OF 2025

Leelabai Mahadu Makar And ...Petitioners

Versus

The State Of Maharashtra Throu. Govt Pleader And Ors ...Respondents

AND

WRIT PETITION NO. 12345 OF 2025

Nivrutti Baban Shinde ...Petitioners

Versus

The State Of Maharashtra And Ors ...Respondents

AND
WRIT PETITION NO. 12346 OF 2025

Mahendra Namdev Zende ...Petitioners
Versus
The State Of Maharashtra And Ors ...Respondents

AND
WRIT PETITION NO. 12343 OF 2025

Vijay Namdev Sable ...Petitioners
Versus
The State Of Maharashtra Thru. G.p. And Ors ...Respondents

AND
WRIT PETITION (St.) NO. 27995 OF 2025
(Not on Board)
AND
WRIT PETITION (St.) NO. 30993 OF 2025
(Not on Board)

Mr. Sachin H. Deokar a/w Mr. Vignesh Ashokan for Petitioner.
Ms. P. J. Gavhane, AGP in WP No.1045 of 2024, 15757 of 2024, 4242 of 2025 and WP No. 12343 of 2024.
Mr. Ketan Joshi, 'B' Panel Counsel for State in WP No.11671 of 2024.
Mr. A. I. Patel, Addl. G.P. a/w Ms. M. S. Bane, AGP in WP No. 7538 of 2025.
Mr. A. I. Patel, Addl. G.P. a/w Mr. R. S. Pawar, AGP in WP No. 7543 of 2025.
Ms. M. S. Bane, AGP in WP No. 7688 of 2025.
Mr. S. P. Kamble, AGP in WP No.8293 of 2025.
Ms. S. A. Prabhune, AGP in WP No.8972 of 2025, 12342 of 2025 and WP No.12344 of 2025.
Mr. R. S. Pawar, AGP in WP No.8973 of 2025, 12345 of 2025 and WP No. 12346 of 2025.
Dr. Dhruti Kapadia, AGP in WP No.12341 of 2025.
Mr. Y. D. Patil AGP in WP(St.) No.27995 of 2025 and WP(St.) No.30993 of 2025.

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

DATE : 23 SEPTEMBER 2025

P.C.:

1. Rule in each of these petitions. Respondents waive service. By consent of

the parties, heard finally.

2. This is a batch of petitions where the grievance of the petitioners is common. Also the prayers are common. The grievance of the petitioners is that their respective lands were not acquired for the concerned irrigation projects Gunjawadi Irrigation Project and / or for the public purpose under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. However, without the land being acquired, an entry has been incorporated in the revenue record in respect of these lands of the petitioners, to the effect that the same are reserved for the respective projects in relation to which such entries are made.

3. It is in these circumstances, the petitioners contend that it would be arbitrary as also illegal for the State to incorporate such entries in the revenue records showing the land to be reserved without any subsisting valid notification for acquisition, which was taken to the logical conclusion resulting in the acquisition of the land.

4. It is submitted that there is no authority whatsoever that such entries can be made on any other lands required for such purpose, land stood acquired and the petitioners' lands were not subject matter of such acquisition, even the notification in that regard also having lapsed.

5. Learned counsel for the petitioners has submitted that similar issues had arisen before this Court. Our attention is drawn to an order passed by a co-ordinate Bench of this court of which one of us (G. S. Kulkarni, J.) was a member in Writ Petition No. 8010 of 2023 Dadabhau Ramdas Ransing and Ors. (page

171) in which this Court in similar circumstances and following similar orders passed earlier by this Court, had allowed the petition, directing that such entries be deleted by the respondents from the revenue records. We note the order dated 5 July 2023 passed on Writ Petition No. 8010 of 2023 which reads thus:

"1. Heard Mr. Deshpande, learned counsel for the petitioners and Mr. Pawar, learned AGP for the respondents.

2. The only prayer as made in the present proceedings reads thus:

a) This Hon'ble Court may, by way of appropriate writ Order or. direction, direct the respondents to forthwith delete the entries of reservation from revenue record of the land Gat No. 36, area admeasuring 3 H 42R, situated at village Nimgaon Mhalungi, Tal. Shirur, Dist. Pune."

3. Mr. Deshpande has drawn our attention to an order dated 2 March, 2022 passed by a co-ordinate Bench of this Court on a batch of petitions (Writ Petition No. 5185 of 2021 - Namdeo M. Waghmore vs. The State of Maharashtra & Ors. and other Petitions). He submits that the grievance of the petitioners can be redressed if similar orders are passed. Mr. Deshpande has also drawn our attention to another order dated 18 January, 2023 passed by a co-ordinate Bench of this Court in Writ Petition No. 8623 of 2021 in case of Ankush Bapurao Thakur vs. The Deputy Collector Resettlement, Pune & Ors., to submit that in view of the said order passed by this Court, the respondents in the present case also need to delete entries of reservation from the revenue record in respect of the land in question.

4. Mr. Pawar, learned AGP would also not disagree that similar orders are passed by the Court as noted above.

5. We, accordingly, dispose of this petition with a direction to the respondents to take appropriate action within a period of ten weeks from today in respect of the prayer of the petitioners for deletion of entries of reservation from the revenue record. All contentions of the parties are expressly kept open.

6. Disposed of in the above terms. No costs."

6. All these petitions concern a similar situation which fell for consideration of the Court qua the petitioners' lands which have continued to remain on the record for number of years without the petitioners' lands being subjected to acquisition, much less acquired.

7. In this view of the matter, Mr. Gavhane and Mr. A. I. Patel, learned Additional Government Pleader and other AGP would also not dispute that the petitioners' lands were not subject matter of acquisition. The learned AGP would however submit that in the event the land is required for public purposes, all rights and contentions of the State Government needs to be kept open.

8. Certainly, the Court cannot curtail any authority of the State Government to acquire lands in exercising the powers of eminent dominion, in the event such lands are required for public purpose. Such authority is always open to be exercised by the State Government in accordance with law.

9. In the light of the above discussion, we dispose of these petitions with the following directions:

i. The respondents are directed to take appropriate action within a period of 10 weeks from today to delete the entries of reservation of the petitioners' lands for the concerned project as reflected in the revenue record, in each of the petitioners' lands. The description of such land is made in the Writ Petitions as also in the prayer in the Writ Petition.

ii. The compliance of this be forwarded to the petitioners by a letter to be addressed by the Competent Authority.

iii. We observe that we have not examined any other contentions of the parties except what has been observed hereinabove.

iv. We also keep open all rights and contentions of the State Government, in the event any of these lands are required in

furtherance of any public purpose, for the same be acquired by following due procedure in law and in accordance with law.

10. Rule is made absolute in the aforesaid terms. No costs.

[AARTI SATHE, J.]

[G. S. KULKARNI, J.]