

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13643 OF 2025

Shiva Nama Navale, since deceased
through L.Rs. Baban Shivram Navale since deceased
through L.Rs. Gorakh Baban Navale, Age 48 years,
Occ. Agriculturist, R/o. Vahagaon, Tal. Khed, Dist. Pune.

Petitioner

versus

1. The State of Maharashtra through
Secretary, Revenue & Forest Department,
2. The Collector, Pune,
3. The Additional Collector, Pune,
4. The Deputy Collector (Resettlement) Pune,
5. The SDO, Khed Sub Division,
6. The Deputy Collector (SLAO No.11), Pune.

Respondents

Mr. Jotiram R. Jadhav for Petitioner.

Ms. Savita A. Prabhune, AGP, for Respondents

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

DATE: 6th November 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for the following substantive reliefs :-

“a. Rule be issued. Record and proceedings be called for;

b. That this Hon'ble Court by way of appropriate writ, order or directions, be pleased to direct Respondent No.2 to 5 to modify the allotment order dated 2.11.2018 in respect of land bearing Gat No.281/Pt adm.40 R situated at village Patethan, Tal. Daund, Dist. Pune and further be pleased to direct the Respondent No.4 to decide the proposal/applications dated 18.9.2020 and subsequent applications dated 24.7.2023 and 28.7.2025 and allot the alternate land mentioned in the said applications on occupancy Class-I status as per the provisions of section 16(1)(a) part 3

of the Schedule of the Maharashtra Projects Affected Persons Rehabilitation Act 1999.

c. Pending the hearing and final disposal of the present writ petition, the Respondent No.2 to 5 be restrained from allotting the land bearing Gat No.767 situated at village Ambethan, Tal.Khed, District Pune or land bearing Gat No.202, 248, 436 and 612 adm.40 R situated at village Vadgaon Ghenand, Tal.Khed, Dist.Pune or any other gat numbers mentioned in the applications 28.7.2025 to any other PAPs;

d. Ad-interim and interim order in terms of prayer clause (c) hereinabove;

e. any further and equitable orders be passed in favour of the Petitioner in the circumstances of the case as may be required.”

2. Thus, the Petitioner is seeking directions to Respondent nos.2 to 5 to modify the allotment order dated 2nd November 2018 in respect of land bearing Gat No.281/pt adm.40 R situated at Village Patethan, Taluka Daund, District Pune. The Petitioner in such circumstances is aggrieved by the inaction on the part of the Respondents in not deciding his proposal/application dated 18th September 2020 and subsequent applications dated 24th July 2023 and 28th July 2025 made by the Petitioner to Respondent no.4, requesting Respondent no.4 to allot alternate land as per the provisions of Section 16(1)(a) part 3 of the schedule of the Maharashtra Projects Affected Persons Rehabilitation Act, 1999 ('PAP Act').

3. The Petitioner is the owner of land bearing No.104 situated at village Vahagaon, Tal.Khed, Dist.Pune which was subjected to acquisition. On 30th November 1999 the Special Land Acquisition Officer (SLAO-11), Pune declared an award under Section 11 of the Land Acquisition Act, 1894 with respect to several lands including the land owned by the Petitioner. The Petitioner's land admeasuring 17 R from Gat No.104 was accordingly acquired. In the year 2011, the Petitioner filed Writ Petition No.8995 of 2011 before this Court praying for

issuing directions to the Respondents to issue a notice under Section 16(2)(a) of the PAP Act for grant of an alternate land. On 13th January 2013 a Division Bench of this Court passed the following order on the said Writ Petition :

“ORDER

(I) The Collector, Pune shall issue a notice to the petitioner under Section 16(2)(a) of the said Act for grant and allotment of land. The notice shall be served by Registered Post A.D or by hand delivery within a period of one month from today. It will be open to the petitioner to communicate the willingness to accept the grant of land within a period of 45 days from the date of receipt of such notice from the Collector. The petitioner shall also deposit with the Collector 65% of the amount of compensation received by him for the land acquired from him or the likely cost of land granted to him, whichever is less, at the time of payment of such compensation to the petitioner.”

4. Pursuant to the aforesaid order passed by Court, on 14th January 2013 the Respondent no.4 issued a notice to the Petitioner under Section 16(2)(a) of the Land Acquisition Act and directed that the Petitioner to deposit 65% of the amount of compensation received by him for the land acquired, if the Petitioner was to accept the grant of alternate land. On 17th March 2018, the Petitioner complied with the notice dated 1st February 2018 issued by Respondent no.4 and deposited 65% amount in the government treasury. On 2nd November 2018, the Petitioner was allotted land admeasuring 40 R of Gat No.281(part) situated at Patethan, Tal.Daund, Dist.Pune. It is the Petitioner’s contention that prior to the allotment of the said land at Patethan, Tal.Daund, Dist.Pune, the Petitioner was not shown the aforesaid land and as the Petitioner was residing at Village Vahagaon, Tal.Khed, Dist.Pune, the allotted land at Patethan, Tal.Daund was 85 kms away from his residence and hence it was not possible for the Petitioner to cultivate the said land.

5. In view of the fact that the Petitioner was allotted the alternate land at Village Patethan, Tal.Daund, Dist.Pune to which the Petitioner was not agreeable, the Petitioner filed a proposal/application dated 18th September 2020 requesting Respondent no.4 to allot an alternate land in Khed Taluka, Dist.Pune, and not in Village Patethan, Tal.Daund,Dist.Pune. Since the said application/ proposal of the Petitioner was not decided in a timely manner, the Petitioner filed another Writ Petition before this Court bearing Writ Petition (Stamp) No.1293 of 2021, praying for a direction to the Respondents to decide the proposal/application of the Petitioner dated 18th September 2020 expeditiously. This Court by an order dated 2nd February 2021, passed on the said Writ Petition directed the Respondents to decide the Petitioner's application/proposal dated 18th September 2020 on its own merits. The Petitioner communicated the said order dated 2nd February 2021 to the Respondents on 17th February 2021 and requested the Respondents to comply with the said orders passed by this Court.

6. The Petitioner filed further applications/proposals dated 24th July 2023 and 28th July 2025 requesting Respondent no.4 to modify the allotment order dated 2nd November 2018 and allot an alternate land bearing Gat No.767 situated at village Ambethan, Tal.Khed, District Pune or land bearing Gat No.202, 248, 436 and 612 adm.40 R situated at village Vadgaon Ghenand, Tal.Khed, Dist.Pune, which were available for allotment, instead of the land allotted to the Petitioner at Village Patethan, Tal.Daund, Dist.Pune. It is the Petitioner's grievance that Respondent nos.2 to 5 have neither modified the allotment order dated 2nd November 2018 nor have they decided the Petitioner's applications/proposals

dated 18th September 2020, 24th July 2023 and 28th July 2025. The anxiety of the Petitioner is that these applications/proposals are required to be taken to its logical conclusion and therefore ought to be looked into and decided in an expeditious manner and in accordance with law. It is contended that the inaction on the part of the Respondents in not considering any of the reliefs as prayed for by the Petitioners in his applications/proposals is arbitrary and is causing grave prejudice to the Petitioner.

7. In our view, considering the limited relief the Petitioner seeks in this petition and although there being no written opposition/reply of the Respondents, considering the nature of orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice.

ORDER

- (i) Respondent no.4 is directed to decide the application/proposal of the Petitioner dated 18th September 2020 and subsequent applications/proposals dated 24th July 2023 and 28th July 2025 in accordance with law, as expeditiously as possible, and preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner;
- (ii) Let all parties be heard. All rights and contentions of the parties are expressly kept open;
- (iii) The Writ Petition is disposed of in the above terms. No costs.
- (iv) List the petition for reporting compliance on **18th December 2025**.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)