



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.30 of 2025

Mahendra Subhashrao Dehankar Vs. State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. N.B.Bargat, Advocate for petitioner.

Mr. D.V. Chauhan, Senior Advocate/Government Pleader assisted by Ms. S.S.Jachak, Addl.G.P. for respondent nos.1, 2 and 4.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : JANUARY 13, 2025.

1. Heard Mr. Bargat, learned counsel appearing for the petitioner.
2. The petitioner claims to be the owner of House No.21, Area 69.60 sq.mtrs. which according to the petitioner was acquired for the MIHAN Project. Accordingly, an award came to be passed on 8th July, 2005.
3. The petitioner being a project affected person, was granted rehabilitation package and it is the case of the petitioner that though he is the owner of House no.21, he has not been provided an alternate accommodation.
4. As against above, the Government Pleader Mr.Chauhan would invite our attention to the report alongwith communication dated 20th June, 2018 submitted by the Technical Advisor to the Deputy Collector, Rehabilitation. In the said report, it is categorically mentioned that the petitioner, who was unmarried at the relevant time was residing with his father and other brother. As against House no.21 which was acquired, the petitioner, his brother Rahul and father Subhash were duly allotted the plot/flat and the possession was already handed over. Upon

a perusal of the petition, the same does not reflect that the petitioner has disclosed the said factual matrix as regards to the possession which is received by him or for him by his father or brother as against acquisition of House no.21.

5. Apart from above, the petitioner's claim is that the brother and father were owning independent houses and he has sought to place reliance on the document to that effect. The said report submitted by the Technical Advisor in categorical terms speaks of the father Subhash being married to Asha and the petitioner and his brother Rahul were unmarried. Accordingly, the father of the petitioner Subhash was shown to be head of the family and accordingly under the provisions of Project affected person, already a house-plot was allotted. As far as the other houses are concerned, but for house numbers hardly any construction was noticed by the Technical Advisor of the acquiring body.

6. In the aforesaid background, unless the petitioner demolishes the claim made in the report submitted by the Technical Advisor to the respondent -Deputy Collector Rehabilitation, we are unable to agree with the petitioner that the petitioner is entitled for allotment of an independent house.

7. That being so, we hardly see any reason to cause interference in the petition. The petition accordingly stands dismissed.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W.SAMBRE, J.)