

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12397 OF 2024

Maniklal Shivilal Shah (decd.) through LH ...Petitioner
Versus
Deputy Collector, Rehabilitation, Solapur & Ors. ...Respondents

AND
WRIT PETITION NO. 12399 OF 2024

Kondabai Rokdoba Zol (decd.) through LH ...Petitioner
Versus
Deputy Collector, Rehabilitation, Solapur & Ors. ...Respondents

Mr. Nitin Deshpande with Mr. Santosh Kurade for the Petitioner.
Ms. Neha Bhide, GP with Ms. Shruti Vyas, Addl. GP and Ms. M. S. Bane, AGP
for State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 08 JANUARY 2026.

P.C.

1. Not on board. Taken on board.
2. As both these petitions raise common issues of law and facts, they are being disposed of by a common order.
3. These petitions under Article 226 of the Constitution of India are filed praying for a limited prayer which read thus:-

"Prayers in Writ Petition No. 12397 of 2024

- (a) this Hon'ble Court may, by way of appropriate writ Order or direction, direct the Respondents to act upon the proposal of the Additional Collector, Pune dated 07.06.2017 and allot suitable land to the Petitioner.

Prayers in Writ Petition No. 12399 of 2024

- (a) this Hon'ble Court may, by way of appropriate writ Order or direction, direct the Respondents to act upon the proposal of the

Additional Collector, Pune dated 4.8.2021 and allot suitable land to the Petitioner.”

4. The common grievance of the petitioners is that they are affected by the Ujni Irrigation Project and are therefore, entitled to benefits under the Maharashtra Project Affected Persons Rehabilitation Act, 1999. It is the petitioners’ case that the Deputy Collector (Rehabilitation) and the Additional Collector, Pune, have found the petitioners to be eligible affected persons and entitled to allotment of alternate lands. The grievance is that the Additional Collector, Solapur and the Rehabilitation Officer, Solapur have not acted upon the proposals forwarded in favour of the petitioners. It is in these circumstances, the present petitions are filed.

5. The petitioners contend that their land was acquired for the said project and that the land acquisition award was published on 11 February 2011. It is also the petitioners case that, following the procedure prescribed by law, they applied for allotment of alternate lands in the year 2017 and on such applications, the Additional Collector, Pune forwarded a report dated 07 June 2017 in respect of the petitioner in Writ Petition No. 12397 of 2024, and a report dated 04 August 2021 in respect of the petitioner in Writ Petition No. 12399 of 2024 declaring the petitioners as eligible affected persons. However, no action has been taken on the said reports.

6. Considering the limited prayer made in the petitions and without delving on the issue whether, in the facts and circumstances of the case, the petitioners are entitled to allotment of alternate lands, and more particularly whether the petitioners have complied with all the prerequisites and specific mandates of the

provisions of the said Act, we are of the opinion that all such issues are required to be appropriately examined by the competent authority on the basis of the documents available on record.

7. It appears that the decision in regard to allotment of land is now required to be taken by the Additional Collector, Solapur, who is expected to consider the reports submitted by the Additional Collector, Pune. Since these authorities are functioning in different revenue jurisdictions, a careful approach is required to be adopted while considering the respective reports and after taking approval of the Collector or the Revenue Commissioner in regard to any decision being taken on such proposal. It will necessarily require consideration by the higher officials of the concerned revenue jurisdiction, who shall undertake careful scrutiny of all the documents which the law mandates the petitioners to submit in order to become entitled to alternate lands.

8. Accordingly, keeping all issues open for consideration by the Additional Collector, Solapur, in the manner observed above and in accordance with law, we dispose of the petitions by directing the Additional Collector to take an appropriate decision, with an approval of the Collector/Commissioner of the Revenue jurisdiction, after careful scrutiny of all the documents pertaining to the entitlement of the petitioners. Let such decision be taken within a period of six weeks from today. Any decision taken be communicated to the High Power Committee, so that it forms part of its record. The said High Power Committee has been appointed by the State Government under the Government Resolution dated 11 October 2023, which is constituted in pursuance of the order passed by

this Court in Civil Contempt Petition No. 820 of 2025 in Writ Petition No. 12973 of 2024 decided on 07 January 2026.

9. With the above observations, further adjudication of the petitions is not called for. The petitions are accordingly disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)