

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16535 OF 2025**

Late Mahadev Dhondiba Marne]
Through Legal Heirs]
Shri Dilip Mahadev Marne]
Age-62 Yrs, Occ-Agri And Business]
R/At-623/24, Shukrawar Peth, Sanatan]
Apartment, Sadanika No.23, 749,]
Shivaji Road, Pune 411002]
Through Power of Attorney Holder]
Shri Dhanesh Dnyaneshwar Deshmukh]
Age: 34 years, Occ:Agri and Business]
R/at: Dawdi, Taluka Khed, District-Pune.]

... Petitioner

V/s.

1. State of Maharashtra]
Through Government Pleader]
A.S.High Court, (Mumbai).]
2. The Collector, Pune.]
3. The District Re-settlement Officer]
Pune, Collector Compound, Pune.]
4. The Additional Collector, Pune.]
5. The Divisional Commissioner]
Pune Division, Pune.]
6. Desk Officer]
Government of Maharashtra]
Mantralaya, Mumbai.]
7. Shri Prasad Ghenand]
Age-Adult, Occ-Agri/Social Worker]
R/At-Markal, Tal-Khed]
Dist-Pune.]

... Respondents

Mr. Sumit Khaire, for the Petitioner.

Mr. A.I. Patel, Addl.GP a/w Mr. A.R. Deolekar, AGP, for the State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

RESERVED ON : 24th April, 2026.

PRONOUNCED ON : 29th April, 2026.

Judgment (Per : Kamal Khata, J) :-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner seeks a writ of certiorari to quash and set aside the Order dated 4th November, 2025 passed by Respondent No.6 namely the Desk Officer.

Brief facts

2) The Petitioner is a Project Affected Person (PAP). The Petitioner's land namely Gat No.229, 239, 318, 331 admeasuring 00H 6R, 00H 5R and 00H 3R respectively, totaling to 19R, located at Lavharde, Taluka Mulshi, District Pune, was acquired for construction of Temghar Dam Project. The acquisition was done pursuant to an Award dated 13th December, 1999 passed by the Special Land Acquisition Officer (SLAO).

3) Being a project affected person, the Petitioner is entitled to allotment of an alternate land. In lieu of the allotment of alternate land the SLAO has deducted an amount of 65% from the compensation due to the Petitioner and deposited it in the Treasury. The Petitioner preferred an application for allotment of the alternate land on 25th November, 2019.

4) In view of the non- allotment of the land, the Petitioner made an application on 6th February, 2022, demanding land bearing Gat No.178/2/1 admeasuring 80R, situated at Village Aпти, Taluka Khed, District Pune. Since he was not allotted the land as per the application dated 6th February, 2022, he filed two other applications one on 25th November, 2023 seeking allotment of land bearing Gat No.2035/2 admeasuring 40R situated at Pimpalgaon Tarfe, Taluka Khed, District Pune and another application dated 26th April, 2024 for Gat No.358/2 admeasuring 80R situated at Burunjawadi, Taluka Khed, District Pune. The said applications were allowed by an Order dated 6th March, 2024.

5) Upon passing of the Order, Shri Balasaheb Bhausahеb Wable, the owner of land bearing Gat No.358/2 filed an application before the Additional Collector, Pune, seeking cancellation of allotment of land to the Petitioner on 20th August, 2024 on the ground that, his land bearing Gat No. 358/2 admeasuring 81R was acquired for rehabilitation. He further contended that, the name of the Collector was recorded in the 7/12 extract but the land is acquired from the western side. He contended that, on the western side of his house, a well and a bore well were situated and he has been cultivating the land. He referred to an application made on 29th February, 2024 before the Divisional Commissioner for correction of map and an application to the Additional Collector, Pune on 20th August 2024, for cancellation of the allotment to the Petitioner. Mr. Wable contended

that, the Petitioner had misled the Government Officer to allot him the land admeasuring 80R and consequently requested for cancellation of the allotment Order dated 6th March, 2024.

6) The Additional Collector conducted a hearing on 11th February 2025 and after hearing both the Petitioner as well as Mr. Wable at length passed an Order dated 12th February, 2025. By the said Order, the direction for acquisition of land bearing Gat No.358/2 was not changed since according to him the land was already allotted to the Petitioner and the possession handed over, consequently, in his view the said issue was beyond his jurisdiction. He accordingly directed the Applicant Mr. Wable to prefer an application before the appropriate Authority.

7) Accordingly, Mr. Wable filed an application before the Ministry of Relief and Rehabilitation of Maharashtra State on 29th March, 2025. The Minister issued letter dated 3rd June, 2025 directing the Collector, Pune to submit a report.

8) Mr. Wable thereafter also filed an application before the Revenue Minister on 9th June, 2025 and upon considering it, an Order was passed on the same date directing the said application be disposed off immediately.

9) In addition to Mr. Wable, one Prasad Ghenand filed an application before the Deputy Secretary of the Relief and Rehabilitation Department, Mantralaya, Mumbai, alleging that, there were several illegalities in the allotment of lands and sought a report in respect thereof from the

Additional Collector, Pune.

10) The Additional Collector, Pune submitted a report on 10th September, 2025. The report stated that, the Petitioner was allotted land admeasuring 80R as per the number of family members. But in the record being the 8A extract, submitted by the Petitioner, revealed that it was not before the cut off date, therefore, the area of acquired land and the remainder could not be verified. The report also revealed that, although thirteen (13) members were shown in the family of the Petitioner, only the Petitioner had filed his consent letter. No evidence of his thirteen family members was produced. Upon receiving the said report, the Respondent No.6 passed an Order dated 4th November 2025, directing the Collector to cancel the allotment of land bearing Gat No.2035/2 as well as Gat No.358/2.

11) According to the Petitioner, an area admeasuring 19R was acquired from him for construction of the Dam and therefore he was entitled to 80R land. Considering the members in his family, he claimed entitlement to 80R land. It is therefore submitted that, the Order dated 6th March, 2024 was in accordance with the law. Consequently, the Order dated 4th November, 2025 passed by Respondent No.6 that was passed without hearing the Petitioner, was incorrect. The present Petition was filed being aggrieved by the said Order dated 4th November, 2025, passed by Respondent No.6.

12) Mr. Sumit Khaire, learned Advocate for the Petitioner narrated the afore-stated facts and submitted that, the Order passed by Respondent No.6 dated 4th November, 2025 deserves to be set aside as the principles of natural justice were not followed, since the Petitioners were not heard and given an opportunity to present their case.

13) *Per contra*, Mr. Patel, learned Additional GP for the State, invited our attention to the Affidavit of Dr. Swapnil Bharat More dated 11th February, 2026. Inviting our attention to Paragraphs 7, 8 and 9, he submitted that, alternate land allotment had been made without verifying not only the claim regarding the thirteen family members of the Petitioner but also without verifying the total land holding.

14) He further drew our attention to Paragraphs 12, 13 and 14 and submitted that the letter dated 4th November, 2025, was only a direction issued to the District Collector, Pune and according to him an action taken thereafter by the District Collector would constitute a final Order. According to him, the present letter dated 4th November, 2025 was only a part of the official proceedings and a direction. He further submitted that, the Petitioner had obtained alternate land by misleading the concerned officers, by furnishing false information, which resulted in grant of land that was in excess of Petitioner's entitlement. He further submitted that, notwithstanding the cancellation, upon a fresh application the Petitioner would be allotted alternate land as per his eligibility after scrutinizing the

documents.

15) Relying on the decision of this Court in *Tukaram, Dhondi Sutar v/s. Nana Bhau Tibile & Ors. in Civil Revision Application No.533 of 2017 reported in AIR OnLine 2018 Bom 11*, he submitted that, the State Government has powers of superintendence, direction and control over the actions of the Collector and is empowered to issue appropriate directions as may be necessary. He further placed reliance on the decision of the *Hon'ble Supreme Court in a S.P. Chengalvaraya Naidu v/s. V. Jagannath reported in 1994 AIR 835* to submit that, a judgment, decree or an order obtained by playing a fraud on the Court is a nullity and non-est in the eyes of law. In view of the above, he submitted that, the Petition be dismissed with exemplary costs.

16) We have heard both Mr. Sumit Khaire as well as Mr. Patel and have perused the record carefully.

17) We found merit in the submission of Mr. Patel and accordingly posed a question to Mr. Khaire, as to whether his client would be open to withdrawing the present Petition with liberty to file an appropriate application applying for land as per their eligibility and entitlement. In response, Mr. Khaire stood steadfast in his assertions and declined to reapply for alternate land as per his eligibility. He insisted that, allotment of lands as per the Order dated 6th March, 2024 deserved to be upheld and the subsequent directions of cancellation of allotment deserved to be set aside.

18) In our view, the assertion of Mr. Khaire is entirely unacceptable. Dr. More's Affidavit categorically admits that, the land allotment was made without verifying the records particularly the number of members in the Petitioner's family on the cut off date and consequently the Petitioner's entitlement considering his assertion about his having thirteen family members.

19) In view of the above, we do not find any justification in setting aside the letter dated 4th November, 2025 whereby the allotment of land to the Petitioner was cancelled.

20) We direct the Secretary of the Relief and Rehabilitation Department, Mantralaya, Mumbai, to undertake an investigation to look into the irregularities and illegal allotments of land in respect of the Temghar Dam Project.

21) We also direct the Secretary of Relief and Rehabilitation Department, Mantralaya, Mumbai, to place on record the actions taken against the concerned Officials who were entrusted with the task of allotment of alternate lands to the PAPS.

22) Let the compliance report be filed through an Affidavit by the Secretary of the Relief and Rehabilitation Department, Mantralaya, Mumbai, on or before 2nd November, 2026.

23) The Petition is dismissed.

24) It is clarified that, the Petitioner would nevertheless be entitled to

make a fresh application along with all material documents to prove his eligibility and entitlement to the alternate land. Upon such application being made, the concerned Authority shall grant him the alternate land as per his eligibility and in accordance with law.

25) We also direct the concerned Authority to take appropriate actions against the Petitioner for having misled the office by presenting incorrect documents and misleading the Authority. Equally necessary action deserves to be taken against the concerned Officials who failed to verify the Petitioner's documents before allotting the alternate lands.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

26) At this stage, learned Advocate for the Petitioner submitted that, there is an ad-interim relief in favour of the Petitioner since 16th December, 2025 be continued for a period of four weeks from today.

27) In view thereof and for the reasons stated in the Petition, the said request is rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)