

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13643 OF 2025
IN
INTERIM APPLICATION NO. 2910 OF 2026

The Deputy Collector (Resettlement) Pune ...Applicant

In the matter between

Shiva Nama Navale Thr. LRs ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Sachin P. Shetye a/w Jotiram Jadhav for Petitioner.

Ms. Savita A. Prabhune, AGP for State.

Mr. Sanjay Ingale, Jt. Secretary a/w DRO, Swapnil More, Present.

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

DATE: 20 APRIL 2026

P.C.

1. By an order dated 6 November 2025, the present petition was disposed of.

The matter was thereafter made returnable for compliance and accordingly listed

before this Court on 18 December 2025, when the following order was passed:

“1. In compliance of the orders passed by this Court, the petitioner is being allotted alternate land. A proposal to that effect has already been made and forwarded to the State Government for its approval. We accept the request made by Ms. Prabhune, learned AGP, to adjourn the proceedings so that the final decision of the Government, on acceptance of such proposal, can be placed on record. At her request, stand over to **02 February 2026**. To be listed under the caption “for Compliance”.

2. There shall be no further extension.”

2. Thereafter, when the matter was placed before a coordinate Bench of this

Court on 15 April 2026, the following order came to be passed:

"1) Interim Application No. 2910 of 2026 is for extension of Orders dated 6 November 2025 and 18 December 2025 passed in WP No. 13643 of 2025.

1.1) Para No. 2 of Order dated 18th December 2025, reads as under :-

"2. There shall be no further extension."

2) Despite the specific mention as noted above, Interim Application No. 2910 of 2026 is filed seeking extension of time. It prima facie appears to us that, the concerned Officer to whom directions are issued is changing his stances suiting to his convenience after change of assignment.

3) In view thereof, we direct the Registry to place this Petition along with Interim Application before the Bench presided over by the Hon'ble Mr. Justice G.S. Kulkarni, tomorrow i.e. 16th April 2026, under the caption for reporting compliance of Order dated 18th December 2025, without any excuse."

3. On the backdrop of the aforesaid order, a detailed order dated 16 April 2026 was passed on the earlier occasion which reads thus:

1. By an order passed by the co-ordinate bench of this Court yesterday (15th April 2026) the present proceedings are listed before this Court as an alternate Bench . The said order passed by the co-ordinate Bench is required to be noted which reads thus:

1) Interim Application No. 2910 of 2026 is for extension of Orders dated 6th November 2025 and 18th December 2025 passed in WP No. 13643 of 2025.

1.1) Para No. 2 of Order dated 18th December 2025, reads as under :-
"2. There shall be no further extension."

2) Despite the specific mention as noted above, Interim Application No. 2910 of 2026 is filed seeking extension of time. It prima facie appears to us that, the concerned Officer to whom directions are issued is changing his stances suiting to his convenience after change of assignment.

3) In view thereof, we direct the Registry to place this Petition along with Interim Application before the Bench presided over by the Hon'ble Mr. Justice G.S. Kulkarni, tomorrow i.e. 16th April 2026, under the caption for reporting compliance of Order dated 18 December 2025, without any excuse.

(emphasis supplied)

2. Accordingly we have heard the learned counsel for the parties. We may observe that on 6th November 2025, we had disposed of this Petition in terms of the following operative order:

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**.

3. Thereafter, the proceedings were listed for compliance of the Order dated 18th December 2025. On such date, this Court recorded that, in compliance with the aforesaid Orders, the Petitioner was allotted alternate land, and that a proposal had been forwarded to the State Government for its approval. Accordingly, while adjourning the proceedings, the following Order came to be passed on 18th December 2025:

1. In compliance of the orders passed by this Court, the petitioner is being allotted alternate land. A proposal to that effect has already been made a forwarded to the State Government for its approval. We accept the request made by Ms. Prabhune, learned AGP, to adjourn the proceedings so that the final decision of the Government, on acceptance of such proposal, can be placed on record. At her request, stand over to 02 February 2026. To be listed under the caption "for Compliance".

2. There shall be no further extension.

4. On the aforesaid backdrop, the proceedings were listed before the Co-ordinate Bench on 15th April 2026, when the order as noted by us in paragraph (1) was passed. We find that substantial steps have been taken by the Concerned Officer towards allotment of land, and that the land to be allotted as informed to us by Ms. Prabhune, learned AGP such land has already been identified, being land situated at Koregaon Bhima, Gat No. 50, admeasuring 40 gunthas, Taluka Shirur, District Pune.

5. We are informed that a proposal in that regard has already been forwarded for approval of the State Government and that the same is under consideration.

6. We note that this Court had categorically observed in its Order dated 18th December 2025 that no further extension shall be granted in regard to the allotment being made to the Petitioner. Despite which the allotment is yet not finalised. Thus, prima facie, the Orders passed by this Court have remained to be complied, the reasons appear to be too many. Similarly there was no application on the part of the Respondents to seek extension of time to comply with the orders. The Respondents have preferred to be in breach of the said orders passed by this Court.

7. In the aforesaid circumstances, we direct the State Government to take a decision on the proposal forwarded by the designated officer in respect of the identified land on or before the next date of hearing. In the event such decision is not taken, the Principal Secretary of the concerned Department shall remain present before this Court. We are constrained to observe so having regard to the

observations made by the Co-ordinate Bench, in paragraph (2) of its order(supra).

8. List the proceedings first on board on 20th April 2026.

9. Learned AGP shall communicate this Order to the Officials.”

4. Accordingly, the proceedings are listed before us today.

5. Ms. Prabhune, learned AGP, has placed on record a communication dated 16 April 2026 received from the Assistant Secretary, wherein it is stated that the policy decision has been taken not to grant any allotment of land in the Project Affected Area, Bhama Aaskhed, and that monthly compensation would be paid. However, the State Government has also reiterated its decision that the petitioner shall be granted alternate land at Mauje, Pathethan, Tq. Daund, District Pune, the details of which are set out in paragraph 2 of the communication being the said land which not acceptable to the petitioner. We do not intend to delve on such issue in the present disposed of petition. Thus, as a policy decision is stated to have been taken if the petitioner is aggrieved by the said policy decision, it is for the petitioner to take recourse to appropriate proceedings to assail the communication dated 16 April 2026.

6. All contentions of the parties in that regard are expressly kept open.

7. As the petition is already disposed of, except for what has been observed hereinabove, further orders are not required to be passed.

8. Interim application would not survive, it is accordingly disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)