

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5612 OF 2021

Balasaheb Gopalrao Maral And Ors.

...Petitioners

Versus

The State Of Maharashtra Secretary Revenue And Forest
Dept. And Ors. ...Respondents

Shri.Y.B. Lengare a/w.Shri. Anil B. Wagh, for Petitioners.
Smt.M.S. Bane, A.G.P. for Respondent Nos.1 to 5-State.
Shri. Nitin P. Deshpande, for Respondent Nos.7 to 19.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 4th JANUARY, 2023

P.C. :

1. Learned counsel for the Petitioners states that possession of the land was not given to the Petitioners in the year 2001. Petitioners have not been given the possession of the plots though it was allotted by allotment order dated 31.03.2001. Per contra, it is the case of the State Government that the possession was in fact given to the Petitioner in the year 2001 itself pursuant to the allotment order dated 31.03.2001. However, since the Petitioners have not constructed any structure within one year from the date of allotment order, the allotment is cancelled. It is submitted that the Government Resolution dated 06.04.2015 cancelled the Gavthan created in Jategaon Budruk Tal. Shirur as per representations received from the Project Affected Persons at large. Accordingly, no such proposal has been forwarded by the State Government before the alleged cancellation with the Government

Resolution dated 06.04.2015.

2. Mr.Deshpande, learned counsel for Respondent Nos.7 to 19 states that the plot which was allotted to the Petitioners, allotment of which is cancelled, are not proposed to be allotted to his clients.

3. The State Government is directed to file an additional affidavit and to indicate as to whether allotment made to the Petitioners in the year 2001 is stayed, cancelled or not and if not cancelled, whether the Petitioners are entitled to the allotment of some other land in lieu of the residential plots allotted to them in the year 2001. The affidavit shall also indicate the proof of the possession, if handed over to the Petitioners in pursuance of the letter of allotment issued in the year 2001.

4. The State Government is directed to file an affidavit within three weeks from today without fail with a copy to be served upon the Petitioners' advocate simultaneously. Petitioners would be at liberty to file a rejoinder to the affidavit within two weeks thereafter with a copy to be served upon the Respondents' advocate simultaneously.

5. Place this matter on board for 'Admission' on **20.01.2023**.

6. Ad-interim order granted by this Court in the year 2019 and modified by order dated 12.09.2022 to continue till next date.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)