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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.10624 OF 2013**

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| Himalaya Jyot Co-op. Housing Society<br>Limited and Ors. | ... Petitioners |
| Vs.                                                      |                 |
| Union of India and Ors.                                  | ... Respondents |

**WITH  
WRIT PETITION NO.10910 OF 2012**

|                                                                  |                 |
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| Amber Jyot Co-op. Housing Society Ltd.<br>and Ors.               | ... Petitioners |
| Vs.                                                              |                 |
| Dedicated Freight Corridor Corporation of<br>India Ltd. and Ors. | ... Respondents |

**WITH  
WRIT PETITION NO.10930 OF 2013**

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| Nav Tarun Mitra Mandal (Bilal Pada) and Ors.                                        | ... Petitioners |
| Vs.                                                                                 |                 |
| Government of Maharashtra through<br>The Ministry of Land Revenue & Forest and Ors. | ... Respondents |

WP/10624/2013

Mr. Jitendra Kashinath Jadhav, for the Petitioners.  
Mrs. S.V. Bharucha, for the Respondent No.1.

WP/10910/2012

Mr. Shriram S. Kulkarni, for the Petitioners.  
Mr. A.N. Samant, for the Respondent No.1.  
Mr. N.D. Sharma, for the Respondent No.6.

WP/10930/2012

Ms. Saroj Shinde, for the Petitioners.

Mr. V.S. Gokhale, AGP, for Respondent – State in all Wps.

**CORAM : A.S. OKA &  
REVATI MOHITE DERE, JJ.**

**DATE : 30<sup>th</sup> JUNE, 2015**

**PC.**

. We have heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the contesting Respondents. It will be necessary to make a reference to the order dated 24<sup>th</sup> March, 2015. The order dated 24<sup>th</sup> March, 2015 records that an order has been made by the Competent Authority in accordance with Sub-section (1) of Section 20F of the Railways Act, 1989. In clause 2 of the said order, this Court has observed that if the amount payable under the order is not acceptable to the Petitioners, they will have to take recourse to Sub-section (6) of Section 20F of the Railways Act, 1989 by making an application as contemplated under Section 6. The second issue is regarding entitlement of the Petitioners for the benefits of the National Rehabilitation and Settlement Policy, 2007. Clause 3 of the said order dated 24<sup>th</sup> March, 2015 reads thus :-

“3] The other issue which arises for consideration is as regards the entitlement of the Petitioners for the benefits under the National Rehabilitation and Resettlement Policy, 2007 which has been adopted by the Railways. There is a statement made in the reply

filed by Shri Abhai Kumar Rai on behalf of the Dedicated Freight Corridor Corporation of India Limited stating that the concerned Respondents will adhere to the provisions of Chapter IV(A) of the Railways Act, 1989 and the applicable provisions of the National Rehabilitation and Resettlement Policy, 2007, which are already included in the entitlement matrix as per the Railways Board's letter dated 18<sup>th</sup> January, 2011.”

2. There is an affidavit filed in terms of the said order. The affidavit records that only a meagre amount will be offered to the Petitioners under various heads as per the Entitlement Matrix.

3. The learned counsel appearing for the first Respondent has invited our attention to the document styled as the Rehabilitation and Resettlement Plan (RRP) of the first Respondent. He invited our attention to Chapter 12 which provides a Grievance Redress Mechanism. A provision is made under the said Chapter for redress of grievances of PAFs relating to application of Entitlement Matrix. There is an elaborate Redress Mechanism provided. The submission of the learned counsel appearing for the first Respondent is that the Petitioners must exhaust the said available remedy.

4. In the Petitions, there is a challenge to the constitutional validity of Sections 20A to Section 20B in Chapter 4A of the Railways

Act, 1989 and the provisions of Entitlement Matrix. If the grievances of the Petitioners as regards the Entitlement Matrix are redressed by the Redress Mechanism, there will be no occasion to entertain the said prayer in these Petitions. As far as the compensation in terms of money is concerned, there is a remedy available to the Petitioners. Therefore, at this stage, it is not necessary to entertain the Petitions and we dispose of the Petitions by passing the following order :-

**ORDER**

- (i) The remedy of the Petitioners under Sub-section (6) of Section 20F of the Railways Act, 1989 is kept open;
- (ii) It will be open for the Petitioners to approach the Appropriate Authority under the Grievance Redress Mechanism provided by the first Respondent for inviting attention of the concerned Committee/ Authority to the grievances of the Petitioners relating to their claim for rehabilitation and their entitlement as per Entitlement Matrix;
- (iii) If appropriate representations/grievances are submitted by the Petitioners to the concerned Authority, the same shall be redressed in accordance with law provided the same are submitted within a period of one month from today. If such representations/ grievances are submitted

within a period of one month from today, appropriate decision shall be taken on the same within a period of three months from the date on which the applications/ representations are made. The decision shall be communicated to the Petitioners;

- (iv) If such representations/ grievances are submitted within a period of one month from today, ad-interim relief which is operative in this Petition shall continue to operate till the expiry of a period of one month from the date on which the decisions thereon are communicated to the Petitioners;
- (v) We make it clear that in the event, the grievances of the Petitioners are not redressed, the Petitioners can always adopt appropriate remedies thereafter. All contentions on merits are kept open.

( REVATI MOHITE DERE, J )

(A.S. OKA, J )