

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.6175/2013
(Narendra G Dadmal and another .vs. State of Mah. Through its Chief
Secretary and others.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. M.R. Kalar, Advocate for Petitioners.
Mrs. B.H. Dangre G.P. For Respondents 1 & 2.

CORAM : B.R. Gavai &
Mrs. Mridula Bhatkar, JJ.
DATED : January 14, 2015.

1. The petitioners have challenged the notification dated 8.12.2011 issued by the respondent no.3 i.e. the Chief Controlling Authority and Revenue Commissioner, Nagpur. Vide the said notification, it is provided that Navegaon (Ramdegi) village would be rehabilitated at reserve forest no.29, Khadsangi, tahsil Chimur.

2. It is the contention of the petitioners that on account of said notification, the village Navegaon (Ramdegi) will be rehabilitated at the place which is reserved for grazing rights.

3. Undisputedly, the petitioners are the residents of village Sonegaon which is also rehabilitated since the said village was also in the area of reserve forest. While rehabilitating village, certain rights were given by way of concession by the State Government. The same is evident from the Nistar Patrak.

4. However, vide the impugned notification, the Navegaon (Ramdegi) village which is also in the reserve

forest, is being rehabilitated at a place in which earlier grazing rights were given to the villagers of Sonegaon. However, the perusal of the order dated 23.6.2014 passed by the Collector would reveal that though the grazing rights in Survey Nos. 94,95,96 and 97 are being withdrawn, the grazing rights are given in Survey No.31 admeasuring 25.00 hectares.

5. From the perusal of the affidavit-in-reply filed on behalf of respondent no.2, it is stated thus:-

*"In view of the aforesaid facts it is most respectfully stated that compartment No.29 is reserved forest Notified in 1879 and no rights were given in the said compartment and the said land was diverted in 2003. The grazing and other rights given by the respondent are merely concession as is evident from Nistar Patrak and copy of the same is annexed and marked at **Annexure R 4-1**. The concession given in Khasra Nos. 94, 95 and 97 are in no way concerned to the compartment No.29 of reserve forest which is diverted for rehabilitation purpose."*

6. It could thus be clearly seen that though the petitioners have no vested rights insofar as grazing rights are concerned, the same is given by concession. However, while providing for rehabilitation of the villagers of Nevegaon (Ramdegi) in an area which was earlier used for grazing by the villagers of Sonegaon, the new area has been very well provided which is having

an equal area as it was having earlier.

7. In that view of the matter, we do not find firstly that there is any right vested in the petitioners and in any case no prejudice is caused to the petitioners on account of the impugned notification. The petition is, therefore, without substance and as such same is dismissed.

JUDGE

JUDGE

halwai