

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.5059 OF 2015

ORDER:

Heard learned counsel for the petitioner and the Government Pleader.

The petitioner prays for implementation of G.O.Ms.No.68 dated 08.04.2005 issued by the Irrigation and C.A.D. (Project Wing-L.A-IV-R&R) Department for rehabilitation and resettlement of 'Project Displaced Families'.

The petitioner relies upon the orders of this Court in W.P.No.34439 of 2012 dated 31.01.2013.

At the time of hearing, the learned counsel for the petitioner draws the similarity of facts in the order dated 31.01.2013 in W.P.No.34439 of 2012 and also the District Gazette dated 29.12.2009. The petitioner before invoking the jurisdiction of this Court under Article 226 of the Constitution of India sent legal notice dated 28.11.2014 to the respondents herein. As no reply is received, the writ petition is filed.

The learned Government Pleader representing the Irrigation Department tries to distinguish the case on hand with the order of this Court in W.P.No.34439 of 2012 by contending that firstly there are no averments to attract the definition of 'Project Affected Persons'. Therefore, he joins issue with the petitioner and contests the claim of petitioner.

The policy of relief and rehabilitation introduced through G.O.Ms.No.68 dated 08.04.2005 intends to achieve the object of planning resettlement and rehabilitation of Project Affected and Displaced Families (PAFs/PDFs) including special needs of Tribals and vulnerable sections. The objection raised by the learned Government Pleader is contrary to the objective of the policy in issuing G.O.Ms.No.68. The

objection is overruled. The writ petition is ordered by following W.P.No.34439 of 2012. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V.BHATT, J

Date:21.04.2015

Stp