

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Writ Petition No. 4276 of 2015

Sumant s/o Dattu Bhange
And Others.

.. Petitioners.

Versus

The State of Maharashtra
And Others.

.. Respondents.

Shri. Kishor D. Khade, Advocate, for petitioners.

Shri. A.P. Basarkar, Assistant Government Pleader, for
respondents Nos.1 to 3.

Shri. B.R. Surwase, Advocate, for respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 20 AUGUST 2016

ORDER:

1) The petition is filed to challenge the order dated 26-2-2015 passed by the respondent No.2, District Collector by which it is held that the petitioners are not entitled to get benefit of one scheme framed for rehabilitation under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999. Further

relief of inclusion of their names in the list of project affected persons is also claimed. Heard both sides.

2) It is the case of the petitioners that their lands are acquired for construction of Urdhwa Kundlika Medium Project, Tahsil Wadwani, District Beed. It is contended that their houses were present in the lands which are acquired and so they are entitled to get plots for residential purpose in the scheme prepared by the Government. The acquisition was made between years 2006 and 2008. Names of the present petitioners were not published in the list of beneficiaries as they hail from other village.

3) It is the case of the petitioners that their houses were listed in assessment record of village Rui Pimpla. It is their case that their houses were situated near Rui Pimpla and as the scheme was prepared for the persons from Rui Pimpla they are entitled to get benefit of the scheme. In the past, they had filed Writ Petition No.2535/ 2014 and this Court had given direction to the authority to consider their representation if they make

fresh representation. The authority – respondent has now considered the representations and the reports prepared by the officers of the Department are considered and the representations are rejected.

4) The submissions made and the record show that there are two villages in the vicinity and their names are Pimpla Rui and Rui Pimpla. Admittedly the lands of the petitioners were from Pimpla Rui and the scheme was prepared for the benefit of the persons who were residents of Rui Pimpla and who were affected due to the aforesaid project. This scheme was not prepared for the benefit of the persons who are residents of Pimpla Rui.

5) The petitioners relied on some record of assessment prepared by the village panchayat of Rui Pimpla. The aforesaid contentions made in the representations show that the petitioners themselves admitted that their properties were not situated within Gaothan of Rui Pimpla. It is their case that their houses were situated in the vicinity of Rui Pimpla and so they are entitled to get benefit. Inquiry was made by the revenue

officers with regard to the claim of the petitioners and it revealed during inquiry that the Gram Sevak of the village Rui Pimpla had joined hands with the petitioners and false record of assessment was created in village Rui Pimpla when their houses were not situated in Rui Pimpla. The record collected showed that petitioners had voted in general elections as residents of Pimpla Rui even in the year 2014. Thus there was record to show that right from beginning they were residents of village Pimpla Rui. Inquiry was ordered against the Gram Sevak of village Rui Pimpla for creation of the aforesaid false record of assessment. In view of these circumstances, the authority, respondent No.2 has rejected the claim made by the petitioners. The aforesaid record includes admission of the petitioners that their houses were not situated within the limits of Gaathan of Rui Pimpla.

6) Learned counsel for the petitioners submitted that in view of the provisions of Sections 15 and 16 of the aforesaid Act and as the petitioners are ready to return the requisite amount of compensation for getting the benefit of the scheme, the authority ought to have given

the benefit of the scheme. This submission is not at all acceptable. In the present matter the scheme was prepared for benefit of the persons from Rui Pimpla who were affected due to the project. In view of these circumstances this Court holds that they are not entitled to get any relief in the proceeding. Creation of false record of aforesaid nature is a circumstance which also needs to be considered against the petitioners in the present matter. In the result, the petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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