

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.913 OF 2015

Anandrao Maru Mesram and ors

..vs..

**State of Maharashtra, through its Secretary, Revenue and Forest Department, Mantralaya,
Mumbai-32 and ors**

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

Court's or Judge's Order

Shri P.V. Thakre, counsel for the petitioners.
Shri S.V. Manohar, counsel for R-3.
AGP for R-1 & 2.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 27, 2016.

Heard.

The allotment of land, made way back in the year 1981 to respondent No.3 for mining purposes, is sought to be questioned by the petitioners who claim to be the lessees of that land. They do not dispute that the land has been acquired and they have received compensation.

Respondent Nos.1 and 2-The State of Maharashtra and the Collector, Chandrapur have pointed out that the mining activities are going on on the said land. Learned counsel Shri S.V. Manohar for respondent No.3 also supports the case of respondent Nos.1 and 2 and adds that the possession was handed over voluntarily. According to him, inclusion of area in which lands are located in

scheduled part, enables the Governor to issue notification exempting it from operation of certain provisions/laws.

The period of about 34 years has expired and the petition has been filed in the year 2015. Only grievance is, the petitioners could not collect necessary information under the Right to Information Act. The steps taken by the petitioners, after 1981 and within reasonable time, are not placed on record. Mining is going on since decades.

We find that the process of law is being abused. However, considering the fact that the petitioners appear to be the poor persons, we dismiss their writ petition without any costs.

JUDGE

JUDGE

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