

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

WRIT PETITION NO.3191 OF 2016

[Smt. Bayabai wd/o Pandurang Raut and one .vs. Collector Rehabilitation, Nagpur and others]

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

Court's or Judge's orders

Shri M.V. Mohokar, counsel for the petitioners,
Shri S.M. Ghodeswar, AGP for respondent no.1.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 30, 2016.

By this writ petition, the petitioners challenge the order of the Deputy Collector-Rehabilitation Officer, Nagpur, dated 1.9.2015, rejecting the application made by the petitioners for grant of project-affected-person certificate in the name of the petitioner no.2-Narendra s/o Pandurang Raut.

It is the case of the petitioners that the land of the husband of the petitioner no.1 and father of the petitioner no.2, namely Pandurang Raut was acquired by the State Government for the respondent nos.2 and 3 and the Award in the proceedings was passed on 15.11.1971. According to the petitioners, Pandurang, the deceased husband of the petitioner no.1, was appointed by the respondent nos.2 and 3 on 3.6.1970 on daily wages and his appointment was not in view of the acquisition of the land in the land acquisition case. It is stated that the house property of Pandurang was acquired in the year 1984 and in view of the said acquisition, the elder son of Pandurang namely Surendra, secured a project-affected-person certificate and was appointed by the respondent nos.2 and 3 in terms of the policy. An application was made by the petitioners in the year 2014 to the Deputy Collector-Rehabilitation Officer for grant of project-

affected-person certificate, but the same was rejected by the impugned order dated 1.9.2015, on the basis of the report furnished by the respondent nos.2 and 3 that Pandurang had secured employment along with two others, in view of the acquisition of the land in the year 1970-71. According to the petitioners, the Deputy Collector-Rehabilitation Officer ought to have considered that Pandurang was appointed on his merit and he was not appointed in view of the acquisition of the land.

On hearing the learned counsel for the parties and on a perusal of the impugned order, as also the other documents, that are annexed to the petition, it appears that the relief sought by the petitioners cannot be granted. We find that the acquisition proceedings in respect of the land of Pandurang commenced by the Section 4 Notification, dated 14.4.1969 and the Section 6 Notification was issued on 13.10.1969. It appears that Pandurang was employed by the respondent nos.2 and 3 on 3.6.1970 in view of the acquisition of the land. Merely because the Award was passed on 15.11.1971, it cannot be said that Pandurang was employed on merit. Also, the report of the MSPGCL, that is placed on record, clearly shows that Pandurang had secured employment for himself and two others, in view of the acquisition of the land, that was acquired in the year 1969-70. Since Pandurang had been employed towards the acquisition of his land, by the respondent nos.2 and 3 and since his elder son was also employed, by the respondent nos.2 and 3 in 1999, towards the acquisition of the house property in the year 1984, the Deputy Collector-Rehabilitation Officer had rightly held that the petitioners could not have sought the project-affected-person certificate for the petitioner no.2-Narendra, the second son of Pandurang. We do not find any illegality whatsoever in the order of the Deputy Collector-Rehabilitation Officer, Nagpur so as to interfere with the same in exercise of the

writ jurisdiction. The petitioners appear to have approached this court with a view to get a third employment in their family, without entitlement.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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