

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

WRIT PETITION NO.3098/2016

Laxmikant s/o Mukundrao Sonekar and another
...Versus...
Collector Rehabilitation, Nagpur, Civil Lines, Nagpur and another

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, Advocate for petitioners
Shri V.P. Maldhure, AGP for respondent no.1

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

DATE : 27.06.2016

By this petition, the petitioners challenge the order of the Deputy Collector and Rehabilitation Officer, Nagpur, dated 19.8.2015 rejecting an application made by the petitioner no.1 to substitute the name of the petitioner no.2 in the project affected persons certificate in place of the petitioner no.1.

According to the petitioners, the petitioner no.1 was granted the certificate as a project affected person by the Collector (Rehabilitation), Nagpur on 27.2.1980. The petitioner no.1 had secured employment with the respondent no.2 and after he sought compulsory retirement from the service, the elder son of the petitioner by name, Alok, was appointed by the respondent no.2 on compassionate ground. After the appointment of Alok, the petitioner and Alok sought information under the Right to Information Act and the respondent no.2 informed Alok and the

petitioner that the appointment of the petitioner no.1 was made in view of the acquisition of the house and the landed property. According to the petitioners, the petitioner no.1 was not appointed, in view of the acquisition of the agricultural land and hence, it was necessary to seek the transfer – substitution of the name of the petitioner no.2, the younger son of the petitioner no.1, as a beneficiary, in the project affected person certificate. When the petitioner no.1 made an application for substituting the name of the petitioner no.2 in the project affected person certificate granted to him on 27.2.1980, the Deputy Collector and Rehabilitation Officer, Nagpur by the impugned communication, dated 19.8.2015 rejected the application on the ground that the name of a great grandson of the project affected person cannot be substituted in the certificate. The petitioners have challenged the order, dated 19.8.2015 in the instant petition.

On hearing the learned Counsel for the parties, we find no fault in the order of the Deputy Collector and Rehabilitation Officer, dated 19.8.2015, so as to interfere with the same in exercise of the writ jurisdiction. The original project affected person was Shri Pandhari Deoba Sonekar. Shri Pandhari Sonekar had made an application to the Deputy Collector and Rehabilitation Officer to grant certificate in the name of one of his dependents, the petitioner no.1 – Laxmikant. Laxmikant is the grandson of Pandhari. The petitioner no.1 – Laxmikant had secured employment with the respondent no.2, on the basis of the certificate secured in 1980. The petitioner no.1 worked with the respondent no.2 for more than 30 years and then gave up his services so as to secure the employment for his elder son Alok on

compassionate ground. After taking the benefit of the scheme for appointment of the person, whose land has been affected by the project, for himself and then the compassionate appointment for his elder son, Alok, the petitioner no.1 has approached this Court against the order of the Deputy Collector and Rehabilitation Officer. The Deputy Collector and Rehabilitation Officer has rightly relied on the Government Resolution, dated 22.5.1996, which does not provide for the substitution of the name of the great grandson of a project affected person in the certificate, that is, already issued. In the absence of any such provision in the Government Resolution, the Deputy Collector and Rehabilitation Officer rightly rejected the prayer made on behalf of the petitioner no.1, as the petitioner no.1 is the grandson of the project affected person, Shri Pandhari Sonekar and by the application, that was made by the petitioner no.1 before the Deputy Collector, the petitioner no.1 was seeking the substitution of his younger son's name i.e. the petitioner no.2, thereby seeking a transfer of the certificate in the name of the great grandson of the project affected person. Since this was not permissible as per the Government Resolution, the Deputy Collector rightly rejected the application made by the petitioner no.1.

Since the order appears to be just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE