

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

WRIT PETITION NO.4499 OF 2016

[Dadaji s/o Jagobaji Bhende .vs. Deputy Collector, Land Acquisition Officer No.3, District Collector,
Nagpur and one]

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

Court's or Judge's orders

Shri G.N. Khanzode, counsel for the petitioner,
Shri V.P. Gangane, AGP for respondent nos.1 and 2.

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

DATED : AUGUST 05, 2016.

By this writ petition, the petitioner has sought a direction against the respondent nos.1 and 2 to pay additional compensation to the petitioner in lieu of rehabilitation.

According to the petitioner, the petitioner had purchased the agricultural land in the year 1996, that was acquired by the State of Maharashtra to the extent of 0.20 H.R. on 24.12.2004. According to the petitioner, the petitioner is entitled to employment in lieu of the acquisition of the land as the petitioner is a project affected person. It is stated that the petitioner would be entitled to Rs.5 Lacs in lieu of employment as the petitioner is affected by the acquisition of land for the project. It is stated that the government has issued a resolution on 6.10.2015 for granting a sum of Rs.5 Lacs in lieu of employment.

When we had asked the learned counsel for the petitioner to show us the resolution under which the petitioner is seeking a sum of Rs.5 Lacs towards the compensation for rehabilitation or in lieu of employment or as a person affected by the project, the learned counsel for the petitioner stated that the copy of the Government Resolution was not available. When we had asked the learned counsel, whether the Government Resolution was

seen or perused by him, it is stated that it was not perused. We find that the writ petition is filed without even finding out whether the petitioner would have a right to seek the compensation of Rs.5 Lacs in lieu of rehabilitation or in lieu of employment that could be granted to a project affected person.

In the circumstances, we are not inclined to grant the relief sought by the petitioner as no right whatsoever is pointed out on behalf of the petitioner for seeking the relief. In fact, the petition is filed without looking into the Government Resolution of which a reference is made in the writ petition. It is informed to this court by the learned Assistant Government Pleader that the petitioner's name does not find place in the award of the year 2004 by which 0.20 H.R. of land was acquired and the petitioner would not be entitled to any relief whatsoever. It is stated that the petitioner also does not claim that the petitioner possesses a project affected person's certificate, so that he could claim compensation in lieu of employment, even assuming that there is any such policy for granting compensation of Rs.5 Lacs in lieu of employment.

We find that there is no right in the petitioner to seek the relief claimed. Hence, we dismiss the writ petition, with costs.

JUDGE

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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