

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.170 of 2016

The Talamba Dharamgrust Punarvasan
Sarvajanik Sanstha, Mumbai .. Petitioner
Versus
The Executive Engineer The Talamba
Major Irrigation Project & ors .. Respondents

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Mr. Milind Parab i/b M/s.Milind Parab & Associates for the
petitioner.
Mr.Vikas Mali, AGP for the State.
Mr.Dinesh Khaire for respondent nos.1, 2 and 4.
Mr.Vikas Mali, AGP for respondent no.3.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S.SONAK, J.**

DATED: 2nd NOVEMBER, 2017

P.C.:-

1 Petitioner claiming to be a Charitable Trust is before
this Court seeking following reliefs:-

- (a) That this Hon'ble Court may please to direct the Respondents to first chalk out rehabilitation programme for rehabilitation of the project affected persons (PAPs) of the Talamba Major Irrigation Project and implement it in its letter and spirit before proceeding with the project work;
- (b) That this Hon'ble Court may please to direct the Respondents not to carry out further said project work of

whatsoever nature unless and until the rehabilitation of the PAPs of the Talamba Major Irrigation Project is done in accordance with law and the Government Policy in its letter and spirit;

(c) Pending the hearing and final disposal of this petition, this Hon'ble Court may please to issue injunction restraining the Respondents from carrying out further project work of the Talamba Major Irrigation Project, across the river Karli, Taluka-Kudal, District-Sindhudurg;

(d) Ad-interim relief in terms of prayer clause (b) and (c) above;

(e) That this Hon'ble Court may please to direct the Respondents to look into the grievances of the project affected persons (PAPs) of the Talamba Major Irrigation Project, Taluka-Kudal in the matter of their rehabilitation as contained in the various representations made by the petitioner;

2 Apparently, the relief seems to be to assist and help Project Affected Persons of Talamba Major Irrigation Project. The grievance is that there is no rehabilitation though the Talamba Major Irrigation Project implementation commenced in the year 1981.

3 There are no details with regard to when was the acquisition proceedings initiated, and how many Project Affected

Persons are involved in the matter. Be that as it may, the fact remains that each Project Affected person may have different set up facts which entitle him to get a particular relief. Even the procedure contemplated for the purpose of rehabilitation would depend on facts and circumstances of each case. Whether it is declaration that the land acquisition has lapsed or whether the petitioner is entitled for alternate land and what other benefits.

4 In that view of the matter, there cannot be an *omnibus* relief which can be extended to all the Project Affected Persons uniformly. Therefore, we are of the opinion that the matter cannot be entertained as the Public Interest Litigation.

5 The Project Affected Persons, however, are at liberty to approach the Court raising *lis* if they have cause of action in their favour.

6 With these observations, petition is rejected.

(M.S.SONAK, J)

(CHIEF JUSTICE)