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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7309 OF 2017

Mr. Manohar Vishnu Bhalekar and Ors. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Tanaji Mhatugade for the Petitioners.

Mr. P.P. More, AGP for the State.

***CORAM : DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.***

DATE : SEPTEMBER 12, 2017.

P.C. :-

The present Petitioners are claiming to be the project affected persons of the Patgaon Irrigation Project. On earlier occasion, Writ Petition No. 1623 of 2016 came to be disposed of on 27 September 2016 opining that the Respondent – Authorities have to address the grievance of the Petitioners strictly in accordance with the procedure contemplated. We also opined that having taken the livelihood of the project affected persons and their families, the rehabilitation scheme must be made available within a

reasonable time. In terms of the procedure, if the project affected persons from one project have to be accommodated in the very same benefited zone, otherwise there will be chaos in the allotment of land and again there will be scope for arbitrary procedure being followed. Therefore, if the Petitioners are affected persons from Patgaon Irrigation Project, the scheme does not permit an allotment of alternate land in terms of eligibility criteria in altogether different project. We cannot blame the Respondent – Authority. Mere deposit of money will not entitle the Petitioners to secure alternate land. Unless and until they comply with the eligibility criteria, they may not be able to secure alternate land. The order on page 12 which is in Marathi as well as the reply affidavit of the Respondent – Authorities, clearly indicate, the Petitioners were asking for allotment of land in the benefited zone of Warana Irrigation Project and not in Patgaon Project benefited zone. Therefore, the impugned order came to be passed.

2. It is needless to say that the Petitioners may express their option of land to a particular land in the benefited zone of the project for which they lost the land. Apparently, there is no obligation on the part of the Respondent – Authorities to allot the very same land chosen by the Petitioners. Therefore, if compliances to be complied with to secure the alternate land as a project affected persons, is not complied with

strictly in accordance with the scheme contemplated, there will not be one application which could be properly processed. There is no justification in the claim of the Petitioners that they are entitled for alternate land in the benefited zone of Warana Project. They can always approach the authorities seeking alternate land from the benefited zone where they are permitted to be allotted the land. If such application is made within a period of four weeks from today, same shall be considered by the Respondent – Authorities within three months thereafter.

3. With the above directions, the Writ Petition is disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE