

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7128 OF 2014

Ganpati Dhondiram Tatawade and others. ... Petitioners.
V/s.
State of Maharashtra and others. ... Respondents.

PD.Dalvi for the petitioners.
Ms.S.S.Bhende, AGP for respondent Nos.1 to 3.
Ms.Chaitali Kale i/b. N.P.Deshpande for respondent No.4.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI , J.**

DATE : 13th February 2017.

PC. :

Heard learned counsel for the petitioners and learned
A.G.P for respondent Nos.1 to 3.

2. The petitioners claiming to be the project affected persons of Doodhganga Project are before us. According to the petitioners, they are residents of village- Chaphodi, taluka- Radhanagari, district- Kolhapur. According to them, out of total 272 families, only 45 families were identified as affected families way back in the year 1987 when the State Government had taken a

policy decision to rehabilitate Chaphodi village. It is further contended that when the entire village of Chaphodi was declared as affected village, there was no justification on the part of the Government to extend benefits selectively by selecting only 45 families of the said village. Therefore, the petitioners are before this Court.

3. In terms of order dated 21st January 2016, the respondent- State has filed an affidavit of Deputy Collector (Resettlement), Kolhapur. It is stated in the said affidavit that after verifying the representations and documents filed by the petitioners before the District Resettlement Officer, Kolhapur, it was noticed that only 45 houses in village- Chaphodi were rehabilitated and this decision was communicated to the office of respondent No.4 on 1st April 2016 itself.

4. As early as in 1987, the State Government decided to rehabilitate 35 families as affected persons and additional 10 cases as special cases. This policy decision was taken not to rehabilitate the entire village but only 45 families, that too, in the year 1987 itself. When such a decision was taken by the Government in the year 1987 itself, the petitioners have approached this Court in the year 2014 by contending that there is discrimination. The petitioners state that there are similarly placed persons who are not given the benefit of

rehabilitation. After a lapse of more than 30 years, the petitioners are before this Court challenging that the policy of the Government not to rehabilitate the entire village- Chiphodi is discriminatory and arbitrary.

5. As on today, we do not know what happened in the last 25 to 30 years, if the petitioners and similarly placed persons were not rehabilitated. We have no such material on record. The very fact that the petitioners have come before this Court only in the year 2014 would clearly indicate that they were not part of devastated families like those 45 families which were rehabilitated by the Government. We, therefore, decline to intervene in this petition at this stage on account of inordinate delay and laches on the part of the petitioners. Accordingly, the petition is dismissed.

(G.S.KULKARNI, J.)

CHIEF JUSTICE