

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

PUBLIC INTEREST LITIGATION NO.182 OF 2016

Smt. Maneesha Rote. .. Petitioner

Vs

Divisional Forest Officer & Others. .. Respondents

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None for the Petitioner.

Shri A.B.Vagyani, Government Pleader along with Shri P.G.Sawant, AGP,
Ms. Geetanjali Golatkar, AAGP and Shri Rohan Sawant, AAGP for State.

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

DATED : 14TH SEPTEMBER 2017

PC:-

1. The Petitioner before this Court is claiming to be a project affected person so far as water pipeline project in connection with sugar factory established by private parties is concerned. According to the Petitioner, for a water pipeline project, from Krishna River to Kolhapur via Sangli-vita, 135 families were displaced from the land bearing Gat No.2997 commonly referred to as G.D. Bapu Lad Nagar, Village Kundal, Taluka Palus, District–Sangli. According to the Petitioner, after displacement of the said 135 families, they were not provided with

any alternate land by the State and, therefore, they are entitled for the benefit under the project affected rehabilitation scheme under different enactments of the State Government. According to her, a representative of the Forest Department offered to rehabilitate the displaced families with one guntha of land per family if they left the land to make way for the construction of the Kundal Academy of Development, Administration and Management (Forest). Though the Petitioner claims benefit from Maharashtra Project Affected Rehabilitation Statute, she failed to establish how the concerned persons acquired right over the property from where they were displaced. It is not the case of the Petitioner that these 135 families were accommodated on this Gat number by any grant of land or permission from the Forest Department or other Authorities of the State.

2. On the other hand, from the reply affidavit, what we notice is that the said Gat No.2997 (S.No.101), situated at Kundal, Taluka – Palus, District- Sangli is a part of the forest land and was encroached initially by 32 illegal occupants totally violating the Indian Forests Act, 1927. The illegal occupants, who occupied the lands by way of encroachment, on their own accord vacated the

said land in the year 2014 and neither the officer of Forest Department nor any one else from any other Department gave any undertaking to give one guntha of the land to each of the families. Apparently, the Petitioner also is not able to substantiate the claim by placing any record before the Court whereby officer of the Forest Department has given any undertaking even if some officers were to orally inform that they would be given such concession. In the absence of approval from the concerned Authority or Department, we fail to understand what was the alleged assurance given by the forest officials. Surprisingly, the name of the said officer is also not mentioned in the Petition. In the absence of any undertaking by any of the Departments to accommodate these persons, we are of the opinion that none of the 135 families could be considered as project affected persons.

3. Even otherwise, if any of the persons from these 135 families have any vested right, they must fight for benefit out of such vested right in accordance with the procedure contemplated and there cannot be a general direction from the Court in a public interest litigation at the instance of a third party to direct the State Government to provide alternate land as if all members of all the

135 families have a vested right in the land in question. The case, if any, has to be considered with factual situation on case to case basis and there cannot be any blanket order.

4. With these observations, the PIL is disposed of.

(N.M. JAMDAR, J)

CHIEF JUSTICE