

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

WRIT PETITION NO. 4816 OF 2017

(Harichandra s/o Umrao Barde & Anr. vs. Deputy Collector (Rehabilitation), o/o Collector,
Nagpur)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
AUGUST 18, 2017.**

We have heard Shri M.V. Mohokar, learned counsel for the petitioners, as he points out special circumstances.

2. Shri K.L. Dharmadhikari, learned AGP has appeared for the respondent, but he has also pointed out that as the matter is listed today for the first time and respondent is not noticed, he has no instructions on facts.

2. The impugned communication dated 14.10.2016 shows that a certificate as Project Affected Person is denied to the petitioners on the ground that it is already issued and a member in his family is already provided employment.

3. According to the petitioners, this is incorrect and hence he has tried to obtain information under Right to Information Act.

4. Our attention is invited to office note of earlier date i.e. 24.06.2016 which mentions that such records are not available.

5. We do not wish to go into correctness or otherwise of the story pressed into service by the petitioners.

The impugned order mentions that on 14.01.1971, one certificate has been issued to Umrao Laxman Barde and thereafter on 25.06.1990 it is issued to Suresh Umrao Barde. It is further mentioned that on 16.03.1990, one certificate is issued in the name of Raju Umrao Barde. After this, in last para, it is mentioned that because of said certificate, the family member is already provided employment. This last reason appears to be not supported by any material on record.

6. We, therefore, direct the petitioners to make appropriate representation afresh to the respondent with necessary documents within a period of four weeks from today. If such a representation is made, the respondent shall then attempt to find out whether any employment is provided to a dependent member in the family because of his status as Project Affected Person, or not. The said exercise shall be completed in next three months.

7. With these directions and keeping all rival contentions open, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.