

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1 WRIT PETITION NO. 2039 OF 2014

SURESH KISHANLAL KHANNA

..PETITIONER

VERSUS

THE UNION OF INDIA AND ANOTHER

..RESPONDENTS

...

Mr. S. K. Shinde, Advocate for the Petitioner.

Mrs. M. A. Deshpande, AGP for Respondent-State.

Mr. Sanjeev B. Deshpande, Advocate for the
Respondent Nos.1 and 2.

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**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 06th SEPTEMBER, 2018.

PER COURT:-

1. Mr. Shinde, learned counsel for the petitioner submits that the petitioner in the year 1984 was staying in the State of Madhya Pradesh. In the year 1984 in Anti Sikh Riots the petitioner's business sustained loss and the petitioner had to migrate to the State of Maharashtra. The petitioner got the knowledge of the Scheme introduced by the Central Government of India of giving compensation to the migrated persons. The Scheme was introduced on 16.01.2006 under the subject 'Rehabilitation Package' to provide relief to victims of 1984 Riots. The petitioner applied under the said Scheme, initially, on 06.01.2006 so also applications were given in the year 2005. The

petitioner is paid an amount of Rs.1,50,000/- as compensation by State of Madhya Pradesh on account of loss in business. However, the State Government has not considered the application of the petitioner positively for compensation on account of the petitioner being required to migrate from the State of Madhya Pradesh to the Maharashtra wherein provision is made for providing Rs.2,00,000/- per family as rehabilitation grant. According to the learned counsel, respondents cannot deny the benefit of the said scheme to the petitioner who is 1984 riots affected. The respondents are taking a very hyper technical approach in negating the claim of the petitioner. The entire proof has been submitted about the petitioner being migrated.

2. The learned Additional Government Pleader submits that the scheme for rehabilitation package to provide relief to the victims of 1984 riots has been closed down with effect from 30.06.2012 under letter dated 05.12.2012 issued by the Ministry of Home Affairs and the unsettled claims were required to be closed finally by 31.12.2012.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The Scheme introduced on 16.01.2006 under the subject 'Rehabilitation Package' to provide

relief to victims of 1984 Riots has been closed down with effect from 30.06.2012 and the pending applications as on the said date were directed to be finally closed by 31.12.2012.

5. The petitioner it appears had given applications in the year 2005 and January 2006. One application dated 06.01.2006 is shown to have been received in the office of Collector on 18.04.2006. The Scheme had come into effect from 16.01.2006. The petitioner pursuant to the said Scheme received compensation of Rs.1,50,000/- from the State of Madhya Pradesh on 14.07.2006. After receipt of the compensation amount on 14.07.2006, the petitioner for the first time made a grievance for grant of Rs.2,00,000/- as compensation for having required to be migrated from State of Madhya Pradesh to State of Maharashtra on 17.09.2013. The Scheme was already closed down with effect from 30.06.2012. In view of that, the application made in the year 2013 would be of no avail and the applications made earlier stood fructified on account of the compensation of Rs.1,50,000/- being paid to the petitioner on 14.07.2006. Naturally, after the Scheme has been closed down, the application of the petitioner would have no efficacy.

6. After the last application dated 06.01.2006 said to have been received by the office of the Collector on 18.04.2006, no application was made by the petitioner till 17.09.2013. No

explanation is coming forth for not making any application for such a long period after receipt of compensation of Rs.1,50,000/- in July 2006.

7. Considering all the aforesaid conspectus of the matter, the relief claimed by the petitioner cannot be considered.

8. Writ Petition as such is disposed of. No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
Date:
2018.09.12
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