

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6490 OF 2017

(NARESH PANDHARI SATHAWANE & OTH..VS.. STATE OF MAH. THR. COLLECTOR, BHANDARA &
OTH.)

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

Court's or Judge's orders

Shri R.A.Gupte, Advocate for Petitioner.
Ms Tajwar Khan, A.G.P. for Respondent Nos.1 and 2.
Shri V.G.Palshikar, Advocate for Respondent No.3.

CORAM : Z.A.HAQ AND
MANISH PITALE, JJ.

DATED : JANUARY 02, 2020.

Heard.

In this petition the grievance of the petitioners is that their names were illegally excluded from the List of Persons to be Rehabilitated after their lands came to be acquired by the respondents.

In response to the notice issued by this Court, the respondent No.3-Deputy Executive Engineer has filed reply pointing out that the names of the petitioners are included in the Revised Joint Measurement Report/List of Persons who have to be Rehabilitated. It is further stated that the amount of compensation receivable by the petitioners will also be paid as per the award passed by the Competent Authority/Collector in the matter.

In view of the above submission made by the respondent No.3, the learned Advocate for the petitioners states that the grievance of the petitioners does not survive.

Hence, accepting the submission made by the respondent No.3, the petition is **disposed**.

Though the respondent No.3 contends that the names of the petitioners were not included in the List of Persons to be Rehabilitated as their names were not sent by the Gram Panchayat, the learned Advocate for the petitioners has pointed out from paragraph Nos.7 to 10 of the petition that they had approached the respondent No.3 with a request of including their names in the list of persons to be rehabilitated.

In these facts, we find that the grievance of the petitioners could have been redressed by the respondent No.3 without requiring them to approach this Court, and this unwanted and unnecessary litigation is created by the respondent No.3.

Hence, we direct the respondent No.3 to pay costs of Rupees Twenty Thousand to the petitioners (Rupees Five Thousand to each of the petitioner).

The amount of costs shall be deposited with the Registry of this Court within two months and on deposit of the amount it be given to the petitioners as per this order.

JUDGE

JUDGE