

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

WRIT PETITION NO. 538 OF 2020

Tekepar Project Affected Punarvasan Sangharsh Samiti

vs.

State of Maharashtra and others

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

Court's or Judge's Orders. or

Mr. S. D. Chande, Advocate for petitioner.
Ms. Ketki Joshi, G.P. for respondent Nos.1 to 4.
Mr. P. B. Patil, Advocate for VIDC.

**CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.**

DATE : 25/11/2021

CIVIL APPLICATION (W) NO. 933 OF 2020

Heard.

2. For the reasons stated in the application, the same are allowed. The petitioner is directed to implead VIDC as party respondent within **one week** from the date of the order by making amendment to the cause title and after amendments are carried out, notice be issued to the newly added respondent – VIDC. In such case Mr.PB.Patil, Advocate would waive service of notice for newly added respondent – VIDC.

3. Application is disposed of.

WRIT PETITION NO.538 OF 2020

Learned Government Pleader seeks time for filing of reply to Civil Application No. 193 of 2021 and Civil Application No.1853 of 2021.

2. She submits that the villagers of village Tekepar are not permitting the State Authorities to increase the level of approach road to village Tekepar for the reason that this approach road remains under submergence water for some period of the year. She submits that increasing of the level of the road is very much in the interest of the members of petitioner, but, the members of the petitioner and villagers of the Tekepar for reasons best known to them do some acts whereby the Authorities and the contractor are discouraged from carrying out the necessary work.

3. She also points out that on 26/03/2021, work order was issued, but the contractor to whom the work order was issued, is still unable to start the work, as some times violent acts are committed by some of the miscreants against the labourers and men of the contractor. She further points out that on 18/11/2021, the State Authorities have written to the Superintendent of Police(Rural) for grant of police protection to the labourers and men of the contractors, but the necessary

bandobast is awaited. She also submits that similar letters have been written to the Sub Divisional Officer, Umred and Police Inspector, Police Station, Ventur on 09/11/2021 and 12/11/2021 respectively. Learned Government Pleader is requested to file on record copies of these communications. She, therefore, while seeking further time to give reply to this application, also seeks necessary directions in the matter.

4. Considering the submissions made on behalf of both sides, it is necessary that some time is granted to the State Authorities for filing of their respective replies and accordingly, we grant **two weeks** time to do so.

5. In the meanwhile, we direct all the members of the petitioner and villagers of Tekepar to co-operate with the Authorities for completing the work of level increasing of the approach road to village Tekepar and we also direct each of them to refrain from indulging in any act of obstruction or violence, whatsoever against the contractor or his agents or his labourers and his machinery at the site, we further direct Superintendent of Police, Nagpur(Rural) to book the culprits under law, if any such violent acts are or which may be committed as would necessitate registration of cognizable crime against them.

6. We further direct Superintendent of Police, Nagpur (Rural) to provide strong police *bandobast* to the contractor on payment of necessary charges by VIDC, Nagpur, starting from 29/11/2021 till 08/12/2021.

7. We also direct Collector, Nagpur to look into this matter and see that the grievances raised by the members of the petitioner in this petition are addressed and resolved satisfactorily.

8. We may point out here that the main grievance of the petitioner is that in spite of compulsory acquisition of their land for the purpose of Gosekhurd Project and in spite of passing of the Award of compensation, the members of the petitioner have not been allotted such lands as are acceptable to them, although it is the contention of the State Authorities, as submitted by learned Government Pleader that land allotment to the members of the petitioner has been done twice earlier, but, those allotments were not acceptable to the members of the petitioner.

9. We are of the view that the grievance of the members of the petitioner can be resolved even amicably provided that contesting parties sit together in the presence of an Authority like District Collector, Nagpur and try to mutually resolve the issues. For this purpose,

we permit Collector, Nagpur to send her nominee, a responsible officer to the area selected by VIDC for allotting of land parcels to the members of the petitioner and verify as to whether or not the area so selected is reasonably habitable. Such nominee of the Collector may visit the selected area along with the two representatives of the petitioner, two representatives of VIDC and representatives of other stake holders, if any. The nominee of the Collector shall submit his/her report to District Collector, Nagpur, who shall then call the contesting parties and try to use her good offices for reconciliation between the parties. If that is not possible, Collector, Nagpur would send her report along with the report of her nominee to this Court for further directions.

10. Stand over to 12th January, 2022.

JUDGE

JUDGE