

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

WRIT PETITION NO. 248/2019

Maregaon Van Punarvasan Sangharsh Samiti,
through its Vice-President Manohar Marji Meshram,
R/o Maregaon Van Punarvasan (Dongargaon),
Tah. Kelapur, Distt. Yavatmal.

PETITIONER

-VERSUS-

1. State of Maharashtra,
Through its Chief Secretary, Revenue & Forest
Department, Mantralaya, Mumbai-32.
2. Principal Chief Conservator of Forests,
Maharashtra State, Civil Lines, Nagpur.
3. Chief Conservator of Forests (Regional,
Yavatmal, Tahsil and District Yavatmal.
4. The Deputy Conservator of Forests,
Pandharkawada Forest Division, Pandharkawada,
Tah. Kelapur, District Yavatmal.
5. The Collector, Yavatmal, District Yavatmal.

RESPONDENTS

Shri A.S. Dhore, counsel for the petitioner.
Mrs. T.H. Khan, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : OCTOBER 04, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. With a view to implement the Tipeshwar Wild Life Sanctuary Rehabilitation Project, village Maregaon (Van) was sought to be rehabilitated. There were about 415 families in the said village out of which 330 families came to be rehabilitated in terms of Government

Resolution dated 03.11.2012. An amount of Rupees Ten Lakhs per family was given to those 330 families before 12.10.2015. 85 families out of said 415 families were yet to be rehabilitated. In terms of Government Resolution dated 12.10.2015 higher compensation than what was provided under Government Resolution dated 03.11.2012 was paid to 85 families. 330 families who had left the village sought to seek compensation in terms of Government Resolution dated 12.10.2015. The respondent no.4-Deputy Conservator of Forest by the communication dated 26.01.2016 recommended the grant of compensation in terms of Government Resolution dated 12.10.2015 to the members of 330 families. Resolution dated 20.01.2016 came to be passed by the members of 330 families with a view to redress their grievance through the petitioner-Society. In that backdrop this writ petition has been filed seeking a direction that additional compensation as per Government Resolution dated 12.10.2015 be paid to the said 330 families.

3. The learned counsel for the petitioner submits that a similar issue was considered by this Court in **Writ Petition No.1694 of 2017** [*Datta Vajinath Andhale & Others Versus State of Maharashtra & Others*] decided on 25.09.2018. The right of those petitioners to receive additional compensation in accordance with Government Resolution dated 12.10.2015 was considered and it was held that the said petitioners

were entitled to the benefit of higher compensation. The petitioner seeks similar relief based on the aforesaid decision.

4. In the reply filed by the respondent nos.1 to 4 it has been stated that the petitioner-Society has not placed on record any authorization to enable it to represent the 330 families. It is further stated that these families have received compensation of Rupees Ten Lakhs each and therefore they are not entitled to the benefit under the subsequent Government Resolution dated 12.10.2015.

In response the petitioners have placed on record the resolution dated 20.01.2016 duly signed by 328 signatories claiming similar benefits authorizing the petitioner to espouse its cause.

5. We find that similar issue was decided by this Court in *Datta Vajjnath Andhale & Others* (supra). The facts of that case indicate that the possession of the lands in question was taken from the petitioners after 01.01.2014 when the Right To Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force. The petitioners did not oppose or challenge the acquisition of their land and hence this Court held that in such situation benefit of the Government Resolution dated 12.10.2015 ought to be granted to them.

6. In these facts therefore by adopting the reasons assigned by this Court in *Datta Vajjnath Andhale & Others* (supra) the following order is passed:-

- I) The respondent nos.3 and 4 shall verify the entitlement of the 330 families whose case has been recommended by the respondent no.4 by communication dated 26.01.2016.
- II) After due verification these 330 families shall be granted benefit in terms of the Government Resolution dated 12.10.2015.
- III) This benefit be accordingly granted within a period of six months from today.

7. The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.) (A.S. CHANDURKAR, J.)

APTE