

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

WRIT PETITION NO. 7630 OF 2019

1. Devidas s/o Ramkisan Dhawale,
Aged 67 years, Occupation-Labour,
R/o. Padmapur, Durgapur,
Tahsil & Dist. Chandrapur.
M.9637136351.
2. Chandrasen s/o Ramkisan Dhawale,
Age 59 years, Occupation-Retired,
R/o. Sneh Nagar, Ward No.6,
Gadchiroli, Dist. Gadchiroli.
M. 9403438248.
3. Ratnamala Pandurang Nikure,
Age 49 years, Occupation-Labour,
R/o. Yevati, Tahsil-Warora,
Chandrapur, Dist. Chandrapur,
M. 9119506720.
4. Sakina Bhauji Aade,
Age 45 years, Occupation-Labour,
R/o. Madnapur, Tahsil-Chimur,
Dist. Chandrapur.
M. 9307996646
5. Vanita Shrawan Naitam,
Age 30 years, Occupation-Labour,
R/o. Wahangaon, Tahsil-Chimur,
Dist. Chandrapur.
M. 9552817818.

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Petitioners

.. Versus ..

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.

2. Tadoba Andhari Tiger Reserve District Rehabilitation Committee, Chandrapur, Dist. Chandrapur, through its President/Collector, Chandrapur.
3. Deputy Conservator of Forest (Buffer), Tadoba Andhari Tiger Project, having its office at Rambagh Forest Colony, Mul Road, Chandrapur.
4. Tahsildar, Bhadrawati, Tahsil-Bhadrawati, Dist. Chandrapur. .. Respondents

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 Shri R.R. Vyas, Advocate with Shri Vikrant Vishwarupe, Advocate for the petitioners,
 Shri A.M. Deshpande, Additional Government Pleader for the respondents/State.

CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 29.03.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioners claim to be the residents of village Palasgaon (Shingru), Tahsil - Bhadrawati, District - Chandrapur. They seek grant of rehabilitation compensation in terms of Government Resolutions dated 03.11.2012, 14.06.2013 and 10.01.2018. One of the requirements as prescribed under Government Resolution dated 03.11.2012 is that such benefit would be available to the residents of the affected village provided

that Gram Panchayat Certificate in Form No.8-A or Ration Card or Voters Card is produced. In absence of a claimant being a resident of the concerned village but being owner of land in that village, such claimant is entitled the compensation, but not the additional amount of Rs.10,00,000/- (Rs. Ten Lacs only). The cases of the petitioners were examined by the Scrutiny Committee which reported that the petitioners therein were not residents of village Palasgaon (Shingru) but the residing at an other village. On this ground, the petitioners were not granted benefit of rehabilitation package under the aforesaid Government Resolutions. Hence this writ petition.

3. The learned counsel for the petitioners submits that the Scrutiny Committee without properly verifying the documents submitted by the petitioners and without visiting the village in question, submitted the report. The petitioners were, in fact, residents of Palasgaon (Shingru) which was clear from the residence certificate that was issued to the petitioners. The 7/12 extracts also indicated that the petitioners owned land in the said village and hence there was no reason to deny the petitioners the benefit of the rehabilitation package.

4. Reply has been filed by the respondent nos.1 and 2 in which it has been stated that as per the report submitted by the Scrutiny Committee only the persons who were actually residing in the affected village were entitled to benefit under the rehabilitation package. The

petitioners were not residing at the village in question and therefore the rejection of such rehabilitation package was proper.

5. On perusing the documents on record, we find that as per the Clause 14 of Government Resolution dated 03.11.2012, a claimant was required to furnish one out of the three documents mentioned therein. The petitioners seek to rely upon residence certificates which have been issued by the Secretary of the Gram Panchayat. However, that document has not been mentioned in Clause-14 of the Government Resolution dated 03.11.2012. Along with the writ petition, some additional documents have been filed. Though it was submitted by the learned counsel for the petitioners that the Scrutiny Committee may be directed to re-consider the matter, we find that in absence of the requisite documents as required by Clause-14, no useful purpose would be served by directing the Scrutiny Committee to re-examine the matter. Moreover, in the reply filed by the said respondents, it has been stated that the petitioners have been granted monetary compensation to which they are entitled.

6. In that view of the matter, we do not find any case made out for interference in writ jurisdiction, the writ petition is therefore dismissed. No costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]