

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7946 OF 2023

Laxman Vasudev Kadam & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 6414 OF 2023
(Not on board, taken on board)**

Pandhari Sahadev Bait & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Sanjeev Sawant a/w. Mr. B.K. Barve, Mr. Sandeep Barve, Ms. Sonali Patil and Mr. Santosh Wagh i/b. B.K. Barve & Co. for the petitioners.
Mr. Rajan S. Pawar, AGP for the State.

**CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.**
DATED: 5 July, 2023

P.C.

1. Heard Mr. Sawant, learned counsel for the petitioners and Mr. Pawar, learned AGP for the respondent/State.
2. The petitioners claim to be project affected persons whose lands were acquired for Nardave Medium Irrigation Public Project, District Sindhudurg. They claim benefit of rehabilitation and resettlement as per the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the Right

to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The lands of the petitioners are claimed to be the lands having residential premises along with sheds which were acquired under the land acquisition award declared in the year 2001.

3. It is the case of the petitioners that the petitioners had deposited 65% of the compensation as awarded for allotment of alternate land as per the provisions of Section 16(2)(b) of the Maharashtra Project Affected Persons Rehabilitation Act. The petitioners have also referred to the Government Notification dated 9 May, 2014 whereby guidelines issued for Rehabilitation of the Project Affected Persons as well as for allotment of alternate lands.

4. Mr. Sawant, learned counsel for the petitioners has drawn our attention to an order dated 10 November, 2022 passed by a co-ordinate Bench of this Court on a batch of petitions in Writ Petition No. 9367 of 2021 (Prabhakar Govind Mundale & Ors. vs. The State of Maharashtra & Ors.) and other petitions. He submits that the petitioners therein were also persons similarly situated as that of the petitioners in the present proceedings, who were project affected persons of Nardave Medium Irrigation Public Project at District Sindhudurg. Our attention is drawn to the directions of the Court wherein this Court had made an observation that the State cannot overlook the fact that the petitioners had lost their lands are without alternate land, which is their

entitlement under the Act. The Court also recorded the contentions as urged on behalf of the State that the project affected persons would be required to pay compensation, as the lands would not be available. In this view of the matter, the Court made the following observations/orders as contained in paragraphs 9 to 12 of the said order, which reads thus:

“9. Learned counsel for the State submits that for arriving at the quantum of compensation, individual cases will have to be examined as to the lands which were held by them and this process would require some time. The status of the petitioners as eligible affected persons is not in dispute before us.

10. In view of the above, the petitions are disposed of directing that Respondent-State shall within five months from today will either pay compensation as specified in the affidavit in reply or to allot suitable land to the petitioners.

11. It is expected that since we have laid down this time limit, the respondent-State will commence process for implementing the order at the earliest.

12. The writ petitions are disposed of in above terms.”

5. Mr. Sawant submits that the case of the petitioners is that they are similarly situated to the petitioners in the proceedings of Writ Petition no. 9367 of 2021 (Prabhakar Govind Mundale & Ors.) and other Petitions, hence they need to be granted similar reliefs.

6. Mr. Pawar, learned AGP would submit that after the said order was passed, there is a fresh policy decision taken by the Government. Our attention was also drawn by Mr. Sawant to a Government Resolution dated 22 November, 2022 wherein the Government has taken a policy decision to make

payment of monetary compensation in view of allotment of alternate lands and as set out in Clauses (a) to (e) of paragraph 1 of the Resolution.

7. Mr. Sawant as also Mr. Pawar would fairly submit that the case of the petitioners would now be required to be considered as per the Government Resolution.

8. In the aforesaid circumstances, we direct the respondents to consider the case of each of the petitioners as per the Government Resolution dated 22 November, 2022 and make payment of the amounts as per the said Government Resolution. Let appropriate action in that regard be taken within a period of ten weeks from today.

9. Needless to observe that it would be open for respondent nos. 1, 3 to 5 to call upon respondent no. 2 to deposit appropriate amounts in that regard. All other contentions are kept open.

10. Disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)