

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

Writ Petition No. 1395 of 2020

[Uttam s/o Dadaji Radke and ors. ..vs.. State of Maharashtra through the Secretary, Revenue and Forest Department and ors.]

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

Court's or Judge's orders

Mr. Atul Mahajan, Advocate for the petitioners
Mr. M. K. Pathan, A.G.P for the State

**CORAM : ROHIT B. DEO AND
Y. G. KHOBRADE, JJ.**

DATED : 30-1-2023

Not on board. The petition is taken on board
on mentioning.

2. The petitioners claim to be agriculturists whose
land is acquired for the Gosikhurd Dam Project (Project)
vide award dated 13-7-2011.

3. According to the petitioners, who are
rehabilitated in Village, Saleshari, Tahsil Bhiwapur,
District Nagpur, the petitioners and other project affected
residents demanded cash amount instead of alternate
land, lumpsum amount in lieu of job and other benefits
as per the National Rehabilitation Policy of 2007.

4. According to the petitioners, respondent 2
forwarded proposal of financial package of Rs. 1199

Crores to the State Government which was approved on 22-5-2013 as is apparent from the Government Resolution dated 18-6-2013.

5. The petitioners admit that in accordance with the Government Resolution dated 18-6-2013, the petitioners did receive the lumpsum amount in the year 2014. According to the petitioners, the lumpsum amount in lieu of service ought to have been given to every adult member of the family. The petitioners further submit that the lumpsum amount of Rs. 2.90 Lacs received by the petitioners in 2014 in lieu of job is disproportionately less.

6. Petitioners are seeking a direction to the State to reconsider the lumpsum amount paid in the year 2014 and to restructure the financial package consistent with Government Resolution dated 3-11-2012 which according to the petitioners applies to farmers whose lands are acquired for protecting the wild life.

7. We have perused the 2012 scheme which applies to farmers whose land is acquired for protection of wild life and do not find anything in that scheme which supports the submission of Mr. Mahajan that the

lumpsum benefit was given to every adult member of the family.

8. Even *de hors* the said aspect, we do not see infringement of any legal right. In exercise of writ jurisdiction, we must be slow to tread in the domain of the policy. The State Government formulated a policy and the amount was disbursed and accepted in 2014. It is difficult to appreciate the submission of learned counsel that given the passage of time, the compensation package must be revisited.

9. The petition is dismissed.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

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