

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

**WRIT PETITION NO. 1275/2017**

(KEWAL ZIBAL RAMTEKE & OTHERS **VERSUS** LAND ACQUISITION OFFICER (DEPUTY COLLECTOR)  
PENCH PRAKALPA, NAGPUR & OTHERS)

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

*Court's or Judge's order*

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Shri A.K. Neware, counsel for the petitioners.  
Shri A.A. Madiwale, Assistant Government Pleader for the respondent nos.1 and 3.  
Ms Payal Neware, Advocate with Shri S.S. Dhengale, counsel for the respondent no.2.

**CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

**DATE : APRIL 21, 2023.**

Heard.

2. The lands of the petitioners came to be acquired by the respondent no.1 for the need of the respondent no.2. It is the case of the petitioner no.1 that initially he had purchased land bearing Survey No.124/1 (Old) 180/1 (New) admeasuring 1 Hectare 62 R situated at Mouza Dhamangaon, Tahsil Mouda, District Nagpur. Since the petitioner no.1 had two wives, he executed a gift-deed on 16.02.2013 in favour of the petitioner nos.2 to 4, out of whom the petitioner no.3 is the second wife and the petitioner no.4 is the daughter from that second marriage. The petitioners claim that under the National Rehabilitation and Resettlement Policy, 2007 since they were owners of individual pieces of land they were entitled to the benefit of the said Policy by treating them as separate owners and not members of one family. Under the said Policy, a Project Affected Person is entitled to one employment and if such person is not found eligible for any post, lump-sum compensation of Rupees Five Lakhs is to be paid. Since the petitioners did not receive compensation as aforesaid, the present petition has been filed.

3. We have heard the learned counsel for the parties and we have perused the documents on record. We find that it is the specific case of the acquiring body that notification under Section 11(1) of the Land Acquisition Act, 1894 came to be issued on 26.06.2008. As a result thereof the restrictions to transfer the land in terms of Section 12 of the Act would operate. Consequentially, the gift-deed executed on 16.02.2013 by the petitioner no.1 in favour of the other family members would not enable the family members to claim independent right on the basis of such ownership. As per the definition of the expression 'family' in the Policy of 2007, the petitioners would constitute one family unit. For that reason, the claim of the petitioners for treating each one of them as a separate unit cannot be granted.

4. It is however submitted by the learned counsel for the petitioner that till date no compensation has been released in their favour. The petitioners being entitled to compensation under the Policy of 2007, they cannot be deprived of the same. In the reply filed by the Deputy Collector (Resettlement), it has been stated in paragraph 15 that on an application being made to the said Office, compensation of Rupees Five Lakhs can be released in favour of the petitioners' family.

5. In view of aforesaid, the petitioners are at liberty to make such application for release of compensation in their favour in the Office of the respondent no.4. On such application being made with all requisite documents, the respondent no.4 shall release the amount of compensation in accordance with the Rehabilitation Policy within a period of eight weeks of receiving such application.

6. With these directions, the writ petition is disposed of. No costs.

**(M.W. CHANDWANI, J.)**

**(A. S. CHANDURKAR, J.)**

APTE

Signed By: Digitally signed  
by ROHIT DATTATRAYA  
APTE  
Signing Date: 24.04.2023 10:54