

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

WRIT PETITION NO.1654 OF 2022

Laxmangir S/o. Kisangir Giri
Aged about 66 years, Occ. Nil
R/o. Ward No. 15, Datta Math,
Near MSEB Board, Mehkar,
Tah. Mehkar, Dist. Buldhana. **PETITIONER**

...V E R S U S...

1. The State of Maharashtra, Through Its
Secretary, Department of Revenue and
Forests, Mantraya, Mumbai-32.
2. The District Collector, Buldhana
Collector Office Road, Chaitanyawadi,
Buldhana – 443001. **RESPONDENTS**

Mr. Anand Parchure, Advocate for Petitioner.
Mr. S. M. Ukey, Additional Government Pleader for
Respondents 1 and 2/State.

CORAM: **ROHIT B. DEO AND M. W. CHANDWANI, JJ.**
DATE: **15th JUNE, 2023.**

ORAL JUDGMENT: (PER ROHIT B. DEO, J.)

Heard Mr. Anand Parchure, the learned counsel
for the petitioner and Mr. S. M. Ukey, the learned Additional
Government Pleader for the respondents 1 and 2.

2. The agricultural land belonging to the petitioner father Mr. Kisangir, was acquired for the Koradi Project vide Award dated 12.03.1979.

3. Vide Government Resolution dated 09.12.1986 the State Government came up with the policy to allot land to Project Affected Persons as compensatory measure. The benefit was subject to certain conditions including the condition that the Project Affected Persons shall deposit 75% of the compensation received.

4. Mr. Kisangir expired on 18.08.1994.

5. It appears that it was only in 2018, after more than three decades, that the petitioner sought the benefit of the policy. The benefit is refused on the ground that the claim is highly belated, and further that 75% of the compensation was not deposited.

6. Mr. Parchure would submit that while there is

delay, the petitioner may not be non-suited inasmuch as the policy did envisage that within a month all the Project Affected Persons shall be issued individual notice/s asking for their willingness to avail the benefit of the policy, and the affidavit in response filed on behalf of the State does not rebut the averment in the petition that such notice was not issued.

7. While the submissions *supra*, may appear to be attractive at the first blush, we are not persuaded to accept the same. Assuming that there is no denial in the affidavit in response of the averment that individual notice was not issued, it would be utopian to expect the State to ascertain from record as to whether 33 years ago notice was issued to the deceased father of the petitioner, who was only one of the several Project Affected Persons. It is precisely in this context that the delay of 33 years in addressing the first representation assumes significance.

8. In view of the gross delay, we are not inclined to

delve deeper in the merits of the matter.

9. The petition is dismissed.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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