

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

WRIT PETITION NO. 3282 OF 2022

Maroti Sakruji Sidam __ Vs. __ State of Maharashtra 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. R.M.Vaidya, Advocate for petitioner
Mr. M.K.Pathan, AGP for respondent nos. 1 to 6

**CORAM : AVINASH G. GHAROTE AND
M.W. CHANDWANI, JJ.**

DATE : 07/08/2023

1] Heard Mr. Vaidya, learned counsel for the petitioner.

2] The petition questions the order/communication dated 8.9.2021 issued by the respondent no.5, whereby the petitioner has been declared ineligible for receiving the benefit of package compensation of amount of Rs. 10 lakh as per the Scheme dated 3.11.2012 (pg.27) on the ground that the petitioner is not a resident of village Navargaon.

3] Mr. Vaidya, learned counsel for the petitioner submits that at an initial stage the name of the petitioner was included in the list of persons entitled for compensation on the ground that the petitioner had house and agriculture field therein, however, that has been revised and in the revised list the name of the

petitioner has been deleted on account of he not being an actual resident of the village on account of his employment as a Police Constable.

4] The very purpose of the policy as enunciated by the GR dated 3.11.2012 (pg. 27) is to provide an additional component of compensation to a person who is actual resident of the village, on account of his being uprooted from the village and required to establish his residence somewhere else. In the instant matter, it is not even the case of the petitioner himself that he is actually residing in village Navargaon. That being the position, Clause 15 of the GR dated 3.11.2012 would become applicable, thereby disentitling the petitioner for the additional component of compensation of Rs.10 lakh. It is not a case as if the petitioner would not be getting the compensation for the house and the land, which he would be entitled to.

5] The contention that for the purpose of determining the residence, except any one of those documents, which are listed in Clause 14 of the GR dated 3.11.2012, nothing else should be considered, clearly does not appeal to us for the reason that there may be other documents which may indicate the actual residence of the petitioner outside the village. In the instant case, since it is an admitted position that the petitioner is not actually residing in the village, we do not find any fault

(3)

29wp3282.22

in the impugned order. The petition is therefore without any merits and is accordingly dismissed. No costs.

JUDGE

JUDGE

Rvjalit