



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2507/2022

Nilesh S/o Fakir Khadke,
age 24 Yrs., Occ. Labour,
R/o Talai (Rly.), Post Sawlikheda,
Taluka Dharni, Dist. Amravati.

... Petitioner

- Versus -

1. State of Maharashtra,
through Divisional Commissioner,
Amravati.
2. District Collector and President of
District Rehabilitation Committee,
Amravati.
3. Divisional Forest Officer and
Member District Rehabilitation
Committee, Amravati.
4. Dy. Forest Conservator,
Melghat Tiger Project, Akot,
Tq. Akot, Dist. Akola.
5. Sub-Divisional Officer, Dharni,
Tq. Dharni, Dist. Amravati.

... Respondents

Ms. Payal S. Kaware, Advocate for the Petitioner.
Mr. S.M. Ukey, Additional Government Pleader for Respondent
Nos.1 to 5.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.
DATED :- 12.12.2023

ORAL JUDGMENT (Per Smt. Anuja Prabhudesai, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent.

2. The petitioner seeks direction against respondent Nos.2 to 4 to treat him as 'separate family' entitled for rehabilitation package including other benefits extended by the State to project affected persons, with further direction to pay the rehabilitation package of Rs.10,00,000/- including other benefits given by the State to other project affected persons of Talai (Railway), District Amravati as per Government Resolution dated 3.11.2012.

3. The respondent No.4 had acquired the land situated at village Talai (Rly.) Sawlikheda, Taluka Dharni, District Amravati for reservation and preservation of Melghat Tiger Reserve and the villagers includes the petitioner and his family were rehabilitated at Deongaon. The father of the petitioner was given the benefit of the scheme and was paid an amount of Rs.10,00,000/- under Government Resolution dated 13.11.2012. The petitioner claims that he being above 18 years of age and project affected person is also entitled for rehabilitation package under the Government Resolution dated 3.11.2012. Several representations made by the petitioner to the Authorities seeking benefit under the rehabilitation scheme went unanswered. Furthermore, in the list dated 1.1.2019 the petitioner was shown to be ineligible for the benefits under the scheme for the reason that he was not found to be residing in the village at the relevant time.

4. Learned Additional Government Pleader does not dispute that the father of the petitioner has been granted benefit of the scheme under the said Government Resolution. He also does not dispute that the petitioner being above 18 years of age, was otherwise eligible for the said benefit. Learned Additional Government Pleader contends that the Authorities declined to grant benefit to the petitioner since as on the date of the inspection the petitioner was not available in the village.

5. It is pertinent to note that as per clause 14 of the Government Resolution person claiming benefit under the scheme is required to produce either of the three documents i.e. (i) Form No.8-A of Grampanchayat (Gao Namuna 8-A), (ii) ration card and (iii) election card to prove his eligibility. The record reveals that the petitioner had indeed produced the ration card as well as election card before the authority to prove that he was a resident of the affected village. The said documents have not been considered as at the time of inspection as the petitioner was not found at the address mentioned in the said documents.

Suffice it to say that fact that the petitioner was pursuing his education at a different place would not lead to an inference that he was not a resident of the said village. Moreover the record also shows that similarly placed persons, whose names are reflected at serial Nos.22, 23 and 25, are held to be eligible and have been granted benefit under the Government Resolution dated 3.11.2012. In such circumstances, the petitioner, who is also a project affected person, could not have been discriminated and denied the benefit solely on the ground that he was not found in the village on the date of inspection.

6. Hence we allow the petition in terms of prayer clause (i) and (ii) and thereby direct the respondent Nos.2 to 4 to consider the petitioner as 'separate family' entitled for rehabilitation package including other benefits granted by the State to similarly situated project affected persons.

Rule made absolute in the above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.) (SMT. ANUJA PRABHUDESAI, J.)