

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

CIVIL APPLICATION (W) NO. 2441 OF 2022
IN WRIT PETITION NO. 1090 OF 2021

(Ashabai wd/o Bhagawan Margaye & Ors. Vs. State of Maharashtra & Ors.)

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

Court's or Judge's order

Shri S.I. Ghatte, Advocate for the applicants/ petitioners.

Shri A.A. Madiwale, Assistant Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 9, 2023

Considering the reasons mentioned in the application, the legal heir of petitioner No.2 is permitted to be brought on record. The amendment be carried out accordingly.

The Civil Application is disposed of.

WRIT PETITION NO. 1090/2021

On 13/1/2022, the following order was passed :

“On hearing the learned counsel for the parties attention is invited to the affidavit filed on behalf of the respondent nos. 1 and 2 and especially the contents of paragraph 8 therein. It has been stated that the issue with regard to declaring a project affected widow/ widower as separate family unit was under consideration of the concerned authority. The learned Assistant Government Pleader to obtain necessary instructions in this regard as to whether any policy decision has been further taken or not.

*An affidavit in that regard be placed on record.
Stand over three weeks.”*

Thereafter, on 13/12/2022, the following order was passed :

“1. Petitioners being widows, divorcees and women deserted by their families are claiming to consider, them, as a separate family unit, in terms of proviso to definition of ‘family’ within the meaning of Clause (m) of Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. On this count, they are claiming rehabilitation package under the said Act.

2. Learned counsel for the petitioners would invite our attention to the Minutes of Meeting dated 15/10/2020, which convey that, issue raised by the petitioners, calls for policy decision and it is under consideration of the State.

3. Learned AGP shall endeavour to apprise this Court on the next date about the status of the issue under consideration.

4. Stand over to 09/01/2023.”

Today, the learned Assistant Government Pleader appearing for the respondents submits that policy decision is yet to be taken and hence request is being made for further time.

We find from the aforesaid orders that period of almost a year has now elapsed by which time respondent No.1 ought to have taken necessary policy decision. The learned Assistant Government Pleader to obtain instructions from the Secretary, Forest Department, Mantralaya, Mumbai as regards the exact period within which such policy decision would be taken. It is informed that the Divisional Commissioner, Amravati has on 2/1/2023 made such a request to the State Government.

To enable respondent No.1 to file an affidavit based on instructions from the Secretary, Forest Department, Mantralaya, Mumbai, stand over two weeks.

An authenticated copy of this order be furnished to the learned Assistant Government Pleader for taking necessary steps.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT