



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.

Tel: 22050791, Fax: 22091804/22093678/22078962. Website: <http://mshrc.maharashtra.gov.in> 07.06.09

Case No. 1/32/2006-07 / 1222

Name of the complainant : 1. Santosh Shamrao Waghmare
2. Smt. Samal Shamrao Waghmare
3. Smt. Jijabai Mohanrao Rathod
4. Taty Chandrabhan Chincholkar
R/o Aasoli, Tal-Pandharkavada (Kelapur)
Dist. Yavatmal.
V/s
The Collector, Yavatmal.

Date : June 4, 2009.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.

PROCEEDINGS

Neither the complainant nor the respondent is present at the time of hearing. On the last occasion also same thing happened.

Since the case is very old instead of waiting for the parties, the Commission has decided to dispose off the case on the basis of pleadings.

The complainants allege that the injustice has been caused upon them due to the fact that they have not received compensation for their land which was acquired for the purpose of construction of percolation tank (Pazar Talav).

In the reply filed in the case, the allegations of the complainants are denied. It is submitted that the complainant did not apply to the appropriate office in the proper format and therefore, their applications could not be considered. Also details of land owned by each of the complainants are submitted and it is stated that complainants have not become completely landless.

Having considered the reply, the Commission is of the view that the authorities are required to consider the cases sympathetically, considering the fact that the complainants have come from lower stratum of the society instead of rejecting their rightful claim on technicalities viz. that the complainant did not apply to the appropriate office in the proper format etc. If the lands of the complainants are acquired for the public purpose, the complainants are entitled to get the amount of compensation. Merely because the complainants are having other land their claim can not be rejected by containing that the complainants have not become landless.

In view of this, the following recommendatory directions are given:

The Collector, Yavatmal is directed to call the complainants and shall examine their claims of compensation. For the purpose of considering the claim of the complainants, if the application in prescribed form is necessary, in that event the office of the Collector shall see to it that the applications of each of the complainants be prepared in the prescribed form.

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The Collector, Yavatmal shall see to it that the claim of each of the complainants be decided on merits without raising technical objections. The aforesaid exercise shall be under taken and completed within three months from the date of the receipt of this order.

The compliance report shall be filed thereafter within a month from the decision.

With this direction, the complaint is accordingly disposed off.



A handwritten signature in black ink, which appears to read "Kshitij R. Vyas".

**(Justice Kshitij R. Vyas)
Chairperson.**

Mumbai; June 4, 2009.