

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6911 OF 2022**

Dilip Pandurang Koli & Ors ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

Mr Zaman Ali, for the Petitioners.
Mr GS Hegde, with PM Bhansali, for the Respondents.
Mr KS Thorat, AGP, for the Respondent-State.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 5th July 2022

PC:-

1. The 134 Petitioners are all traditional fishermen (Kolis) from the fishing village of Uran Koliwada in Uran Taluka of Raigad District. The principal concern in this Petition is that the proposed 11-metre wide Uran Bypass Road at Uran Koliwada will materially affect the Petitioners' traditional fishing rights. We are not today accepting or rejecting the case as canvassed by the Petitioners. That will fall for determination at a later date. It is sufficient to note that the Respondent authorities contest the Petitioners' assertions.

2. Exhibit "G" at page 96 is a Google Earth map on which are overlaid indicators showing Uran Koliwada, the Uran Creek, the

alignment of the Uran Bypass Road and, represented by three yellow circular marks, the Uran Koliwada fish landing and boat maintenance area. Mr Zaman Ali, learned Advocate for the Petitioners, clarifies that the complaint of the Petitioners is as regards the Uran Koliwada fish landing and boat maintenance area and that these will be affected by the Uran Bypass Road. If this is in fact so, and we do not know as a matter of fact whether it is in fact so, there may arise a question both of compensation as also the of the provision of an alternative site for the fish landing and boat maintenance areas.

3. There may be other and possibly broader issues to examine but we will defer those for the time being. We do so because otherwise the entire Petition will lose focus.

4. At this stage, we require Mr Thorat for the Government and Mr Hegde for CIDCO (which is constructing the road) respectively to take instructions as to what is the policy in regard to both aspects, i.e. compensation where there is a community affected by a public project, and, second, the policy if any in place in regard to providing an alternative location or site where the original site is shown to be affected by the project.

5. After we have considered the Respondents' preliminary response, we may consider calling for a more detail report (including suggesting alternative sites), as also other measures.

6. Leave to amend to add additional Respondents. Reverification is dispensed with. The newly added Respondents are to be served by 13th July 2022.

7. List the matter for further orders on 26th July 2022.

(Madhav J. Jamdar, J)

(G. S. Patel, J)