

Amol

**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 AS Khandekaprkar, *with Niranjan Shimpi, for the Respondent,*
Union of India.
Mr KS Thorat, AGP, *for the Respondent-State.*
Mr GS Hegde, *for the Respondent-CIDCO.*
Ms Jaya Bagwe, *for Respondent No. 9-MCZMA.*

**CORAM G.S. Patel &
Gauri Godse, JJ.**
DATED: 20th September 2022

PC:-

1. We have heard Mr Zaman Ali, learned Counsel for the Petitioners, Mr Hegde for CIDCO and Mr Thorat for the State today. We have carefully considered the material on record including the Additional Affidavit filed by CIDCO and the Rejoinder filed by the Petitioners.

2. On the next date, we propose to pass an order with more detailed reasons and setting out some of our findings.

3. For the present, we note the statement made on behalf of the Petitioners that they are all likely to be affected in carrying on or continuing with their traditional fishing activity in the vicinity of the proposed Uran Bypass Road that is the subject matter of this Petition. We have not rendered any conclusion as to whether the Petitioners are or are not affected by this project.

4. For today, we have only asked Mr Thorat, learned AGP, to take instructions as to which authority can decide the question — in time-bound manner — of whether the Petitioners (or any of them) are entitled to compensation because their claimed traditional fishing rights are adversely affected by this project. The authority may be an individual or a committee and the authority may comprise officers from the Fisheries Department, Forest Department, or Road Transport Department, or all three. That committee will need to decide not only the matter for entitlement to compensation per Petitioner, but also the quantum, and this will have to be decided in accordance with the law declared by the Court and in accordance with the applicable policy or law regarding compensation to project-affected persons. At this stage we want Mr Thorat to communicate to us the names of the officers who can take up this task.

5. List the matter on Monday, 26th September 2022.

(Gauri Godse, J)

(G. S. Patel, J)