

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 Niranjana Shimpi, for the Respondent,*  
*Union of India.*  
**Mr KS Thorat, AGP**, *for the Respondent-State.*  
**Mr GS Hegde**, *with PM Bhansali, for the Respondent-CIDCO.*

---

**CORAM G.S. Patel &  
Gauri Godse, JJ.**  
**DATED: 10th October 2022**

**PC:-**

1. Mr Thorat shows us a draft compensation framework policy for the State regarding fisherman affected by development projects. This has not yet been approved. The proposed committee and the draft policy are pursuant to an order of a Division Bench of this Court in another, wholly unrelated, Public Interest Litigation.
2. In our order of 20th September 2022 in paragraph 4 we said:  
“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.”

3. Mr Ali, learned Counsel for the Petitioners, claims that the Uran Bypass Road Project affects several Koli fisherpersons along the mudflats in an area of about 100 sq mtrs. It might be slightly more. This is not a question of those who take larger vessels out to the main water body, i.e., the creek or the sea.

4. What we required from the State Government or CIDCO was essentially a fact-finding report on whether there is any impact of this project on these persons who use the mudflats for their traditional fishing occupation. It is for this reason that we wanted the names of persons who would constitute this committee. We did not ask for a draft policy that purports to constitute a twenty three-member committee. Indeed, we had suggested that the Committee could be a one person Committee as well. That is the decision for the State Government to take. The issue before us is not yet of compensation but to ascertain entitlement first. What Mr Thorat

shows us assumes that there is an entitlement, i.e., that these fisherfolk are indeed affected by the project in question. That is contrary to the submissions made across the bar, for it has been repeatedly argued that there is no impact on the fisherfolk at all. As to the question of the compensation, how and by whom this to be done can be deferred for the present.

5. We give Mr Thorat one week time to take necessary instructions.

6. List the matter on 17th October 2022

**(Gauri Godse, J)**

**(G. S. Patel, J)**