

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6407 OF 2005

Ashok s/o Kashinath Lagad,
age: 40 years, Occ: Agril.,
R/o Hivra (Pimparkhed),
Tq. Ashti, District Beed.

Petitioner

Versus

1 The State of Maharashtra,
through the Secretary,
Project Affected, Rehabilitation
Department, Mantralaya,
Mumbai.

2 The Collector, Beed,
District Beed.

3 The District Resettlement Officer,
Beed, District Beed.

Respondents

Mr.D.R.Jayabhar, advocate for the petitioner
Mr.P.P.More, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 06th February, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 The request of the petitioner for issuance of Project Affected Person's Certificate has been turned down by the District Resettlement Officer, Beed, by an order dated 06.06.2005, on the ground that acquisition of land is for the purposes of construction of village tank and as such the certificate, as requested, cannot be issued.

2 The ground communicated for rejection of the request made by the petitioner is irrelevant and that the District Resettlement Officer ought to have issued certificate in favour of the petitioner, as requested by him. The issue raised in this petition is no more *res integra* in view of the judgment of this Court in the matter of **Nagesh @ Satish Nagorao Pande Vs. The State of Maharashtra & another**, reported in (1995) 3 Bom.C.R. 376. In view of the reported decision, referred to above, request made by the petitioner deserves to be considered.

3 Writ Petition is thus allowed in terms of prayer clauses {C} and {D}.

Rule is made absolute accordingly. No costs. Pending Civil Application does not survive and stand disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE