

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 771 OF 2014

MAHESH SUBHASH MAHAJAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr U.R. Awate
AGP for Respondents: Mr.P.N.Mulay
Mr.Godsay Satish M. For R/4 &
...

**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.
DATED : 12th MARCH, 2015**

P.C. :-

Heard learned counsel for the petitioners and the learned counsel for respondents. According to Mr.Awate, learned counsel for petitioners, the land of the petitioners is acquired for the project of the respondent. As per the scheme, the petitioners are paid stipend of Rs.6000/- per month. According to the learned counsel, a communication is received to them that in view of the fact that the petitioners have not obtained Project Affected Persons Certificate, the case of the petitioners is not being considered. According to the learned counsel, this Court has already considered the said aspect in Writ Petition No.6195/13 vide judgment and order dated 25/9/2013.

2] Mr.Godse, learned counsel submits that production of Project Affected Persons Certificate is mandatory as per the policy and the

rules. In absence of the production of the said certificate, claim of the petitioners cannot be considered. Even otherwise, the petitioners have secured less marks than the cut-off marks

3] The communication impugned in the present Writ Petition only states that the petitioners are required to produce the Project Affected Persons Certificate. It would be seen that the respondents do not dispute that the land of the petitioners is acquired not only that pursuant to the scheme respondent is also paying stipend of Rs.6000/- per month to the petitioners. There is no dispute as far as petitioners are concerned that the land of the petitioners have been acquired and they are project affected persons. The insistence of the respondents upon production of the Project Affected Persons Certificate is not warranted.

4] In light of above, the impugned order dated 4/12/2013 asking petitioners to produce the Project Affected Persons Certificate is set aside. The respondents shall consider the case of the petitioners on merits for appointment from Project Affected Persons category.

5] Writ Petition is disposed of. No costs.