

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4514 OF 2016

Balaji s/o Baliram Bande ... **Petitioner**
Age 52 years, Occu:
Agriculture
R/o Undri, Tq. Mukhed,
District Nanded

VERSUS

1. The State of Maharashtra
Through The Secretary
Earthquake & Rehabilitation
Department,
Mantralaya, Mumbai 32.

2. The District Collector,
Nanded, District Nanded.

3. The Deputy Collector ... Respondents
(Rehabilitation) Nanded,
District Nanded

Mr. Anmole Kedar G. h/for Mr. S. B. Gastgar, Advocate
for the petitioner.

Mr. A. R. Kale, AGP for the Respondents.

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 5th July, 2016

ORDER:

1. Heard the learned counsel for the parties.
2. Rule. Rule made returnable forthwith and the petition is heard for final disposal by the consent of learned counsel for the respective parties.

3. The petitioner is objecting to the order passed by the Deputy Collector (Rehabilitation), Nanded refusing his request to issue Project Affected Persons Certificate. It is an admitted fact that the land belonging to the petitioner to the extent of 12 R has been acquired prior to 03.05.2010. The request made by the petitioner for issuance of Project Affected Persons Certificate has been turned down by the respondents relying on the decision taken by the Government on 03.05.2010.

4. The policy prescribes that the land holder whose land to the extent of more than 20 R has been acquired shall be held eligible to claim Project Affected Persons Certificate subject to fulfillment of certain other requirements mentioned in the resolution.

5. It is an admitted position that at the time of acquisition of the land belonging to the petitioner, the policy formulated on 03.05.2010 was not in vogue. In this view of the matter, relying upon the policy declared by the Government on 03.05.2010, the Assistant Collector ought not to have turned down the request made by the petitioner. In the facts and circumstances of the case, the order impugned in the petition,

rejecting the request of the petitioner to issue Project Affected Person Certificate is quashed and set aside and the respondents are directed to issue Project Affected Persons Certificate to the petitioner as expeditiously as possible and preferably within a period of eight weeks.

6. Rule is accordingly made absolute. There shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC