

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10054 OF 2016

**BANDEPPA MALLIKARJUN KANTE
VERSUS
THE STATE OF MAHARASHTR AND OTHERS**

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Mr.R.R.Suryawanshi, Advocate for petitioner
Mr.S.J.Salgare, AGP for respondents

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : DECEMBER 20, 2016**

ORAL JUDGMENT :

Heard.

2. Rule. Rule made returnable forthwith.
With consent of the parties, the petition is taken up for final disposal at the admission stage.

3. The application tendered by the petitioner for issuance of certificate certifying that the petitioner is a project affected person, has been turned down by respondent no.4 – Deputy Collector, Rehabilitation, Latur vide the impugned order dated 02.09.2014.

4. Respondent no.4 has communicated the petitioner that since the property belonging to the petitioner has been acquired for the purpose of establishing Industrial Training Institute, the application of the petitioner cannot be considered in view of the Government Resolution dated 01.01.1980.

5. The petitioner has invited our attention to the definition of "project" incorporated in the Maharashtra Project Affected Persons Rehabilitation Act, 1999 ("the Act", for short). Section 2(10)(f) of the Act defines "project" as "an university project, that is to say, setting up of any university or any teaching, training institution."

6. In view of above, the acquisition of the property belonging to the petitioner for establishing the Industrial Training Institute, shall have to be considered to have been acquired for setting up a project within the meaning of the

provisions of the Act. The decision rendered by respondent no.4 rejecting the application of the petitioner taking recourse to the Government Resolution dated 01.01.1980 is erroneous and deserves to be quashed and set aside.

7. In the circumstances, the impugned order passed by respondent no.4 rejecting the application of the petitioner for issuance of certificate that the petitioner is a project affected person, is quashed and set aside. Respondent nos.3 and 4 are directed to reconsider the claim of the petitioner in accordance with the policy of the State Government and communicate the decision to the petitioner, as expeditiously as possible and preferably, within a period of three months from today.

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

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]