

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

WRIT PETITION NO. 2524 OF 2016

**GANESH TULSHIRAM GIRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Advocate for Petitioner : Mr. Panpatte V.S.
AGP for Respondents 1 and 2 : Mr.S.B.Joshi**

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CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 11th APRIL, 2017

O R D E R :

Rule. Rule is made returnable forthwith.
With the consent of learned counsel for the
respective parties, the petition is taken up for
final hearing at the stage of admission.

2. The request made by the petitioner for
issuance of certificate of Project Affected Person
has been turned down relying upon the policy of
the Government vide Government Resolution dated
3.5.2010. The Government Resolution dated
3.5.2010 states that with a view to enable the
applicant to secure certificate of Project

Affected person, minimum acquisition of land shall be 20 Are for the project. According to the petitioner the acquisition of his land is prior to change in policy. The land belonging to the petitioner to the extent of 3 Are was acquired. The award in that regard was declared on 9.4.2002. The policy declared by the State Government on 3.5.2010 shall not dis-entitle the petitioner to claim the certificate of project affected person, since the acquisition of land belonging to the petitioner as well as passing of the award in respect of acquired land is prior in time and on the afore said date the policy formulated on 3.5.2010 was not in vogue.

3. In this view of the matter, the request made by the petitioner for issuance of certificate of project affected person deserves to be considered favourably. The respondent shall issue necessary certificate within a period of eight weeks from today. It is clarified that entitlement on the basis of certificate is a different aspect,

which has not been dealt with by us and it would be governed by the policy of the State Government.

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

(K.L.WADANE, J.)

(R.M.BORDE, J.)

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