

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1531 OF 2018

Navnath s/o Madhukar Warale
age 26 years, occ. education
r/o Palasi
Tq. Loha, Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra
through Secretary
Revenue & Forest Department
Mantralaya Mumbai 32.
 2. The Collector, Nanded
District Nanded
 3. Deputy Collector (Rehabilitation)
Collector Office, Nanded
- Respondents

Mr. A.B. Shinde, advocate for petitioner.
Mr. P.N. Kutti, A.G.P. for respondents.

**CORAM : R.M.BORDE &
K.K. SONAWANE, JJ.
DATE : 22nd FEBRUARY, 2018**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. Petitioner is objecting to the order passed by the Deputy Collector (Rehabilitation), Beed dated 08.11.2017, rejecting the request of the petitioner to issue project affected person's

certificate.

4. The land belonging to the father of the petitioner came to be acquired for Vishnupuri dam in the year 1993. Application tendered by petitioner has been turned down on the ground that acquisition of the land belonging to petitioner is to the extent of 19 Are whereas as per the policy prescribed by the Government on 03.05.2010, in order to become eligible to receive project affected person's certificate, the acquisition of land belonging to the family shall be beyond 20 Are.

5. Petitioner contends that the policy dated 03.05.2010 in respect of issuance of the certificate shall not apply to the case of the petitioner since the land belonging to the family has been acquired in the year 1993. The policy framed in the year 2010 cannot have retrospective application. In this context, reliance can be placed on a judgment of the Division Bench of this Court in the matter of Sudam s/o Manaji Munde Vs. The State of Maharashtra & others decided on 25.03.2013. In paragraph no. 3 of the judgment, the Division Bench has observed thus :

"3. The said policy was not in vogue when petitioner's land was acquired. The petitioner would be governed by the policy which was in existence at the time when his land came to be acquired."

6. In view of above, the order passed by the Deputy Collector (Rehabilitation) dated 08.11.2017 refusing request of petitioner for issuance of project affected person's certificate is quashed and set aside and the said authority is directed to issue the certificate in

the prescribed proforma to the petitioner by 26th February, 2018. We are issuing directions to issue certificate within prescribed time frame since it has been pointed out that the petitioner is desirous of tendering application seeking employment and the last date prescribed in the advertisement is 27th February, 2018.

7. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

8. Pending civil application, if any, does not survive and stands disposed of.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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