

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

WRIT PETITION NO. 2529 OF 2017

Shrikant Manika Unhale

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr V. D. Patnurkar, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 14TH MARCH, 2018.

ORDER:

1. The application filed by the petitioner seeking Project Affected Person (PAP) Certificate is rejected.
2. Mr Patnurkar, the learned counsel for the petitioner submits that, the land *ad-measuring* 2H 54R in Gut No. 617 and 19R in Gut No. 851 owned by the father of the petitioner is acquired for Central Reserve Police Force (CRPF) Training Centre and Canal.
3. According to learned Assistant Government Pleader, for Canal, only 19R land is acquired and as per Government Resolution

dt. 03.05.2010, at least 20R land should have been acquired so also as per communication dt. 26.11.2007, a person whose land is acquired for Central Reserve Police Force, cannot be considered to be a project affected. As such, he is not entitled for the PAP Certificate.

4. It is submitted that, the entire land held by the petitioner has been acquired, partly for CRPF Training Centre and 19R land for canal. The total land held by the father of the petitioner was 2H 54R situated in Gut No. 617 and 19R in Gut No. 851.

5. It is stated in Government Resolution dt. 03.05.2010, that prior to the issuance of Government Resolution, there were no guidelines issued with regard to issuance of PAP certificate for employment in the Government and by virtue of the said Government Resolution, the instruction is issued with regard to minimum area to be acquired.

6. The land held by the father of the petitioner is acquired in the year 2002. On the said date, the said Government Resolution was not in force. Even otherwise, 100% land owned by the petitioner's father has been acquired.

7. In view of that, there was no impediment for the respondent to consider the case of the petitioner for issuance of PAP certificate.

8. The impugned order is quashed and set aside. The respondents shall consider the application filed by the petitioner for issuance of PAP certificate on its own merit after considering the entitlement of the petitioner *qua* the other persons. The same shall be considered expeditiously, preferably within three months from today and shall not reject it on the ground on which the impugned order was passed.

9. The writ petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde