

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

WRIT PETITION NO. 12095 OF 2017

Taramati W/o Ankush Aware

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr D. R. Jayabhar, Advocate for the petitioner
Mrs M. A. Deshpande, AGP for respondent/State
.....

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

DATE : 21ST MARCH, 2018.

ORDER :

1. The application of the petitioner for transfer of the Project Affected Person (PAP) certificate in his name is rejected.

2. The learned Assistant Government Pleader submits that the petitioner is son of Smt. Taramati, who was the sister of Nana Sahebrao Bhawar, whose land was acquired. In view of that the petitioner would not be entitled for getting the certificate transferred in his name.

3. In Writ Petition No. 10912 of 2015, under order dt.04.02.2016, we had observed that Section 5(c) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, empowers the Collector to issue a certificate to a person who is nominated by the projected affected person for being employed against the quota reserved for the nominees of the affected persons. It is observed in the impugned order that the land acquired of Nana was a joint land and as such the sister of Nana namely Smt. Taramati was given the PAP certificate on 07.09.2015. The petitioner is a son of Smt.Taramati, the second transfer is permissible. In view of that, there would be no impediment to issue the certificate to the son of Taramati namely Ankush Aware.

3. In the result, the impugned order is set aside. The respondent-authority shall after considering the relationship of the petitioner Ankush Aware with Smt. Taramati and after obtaining the original PAP certificate issued to Smt. Taramati from the petitioner, the Dy. Collector shall issue the PAP Certificate to the petitioner.

4. Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Adhane