

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4051OF 2018

Madhusudan S/o Madhavrao Bhosle,

Age: 22 years, occu: student,

R/o Vishnupri, Tq. Nanded

Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra
Through it's Chief Secretary
Mantralaya, Mumbai 32

2 The Collector,
Collector Office Nanded
Dist. Nanded

3 The District Rehabilitation Officer,
Nanded Tq. & Dist. Nanded Respondents

Mr. S.Y. Patil h/f Mr. D.S. Kudle advocate for the applicant
Mr. P.N. Kutti, Assistant Government Pleader for Respondents

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: April 23rd, 2018)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up

for final decision at admission stage.

3 Counsel for the petitioner has placed reliance on the Judgment and Order passed by the Division Bench of this Court in Writ petition No.11253 of 2010 decided on 15.12.2010. The facts giving rise to the instant petition are identical to the facts in the decided mater.

4 The application tendered by the petitioner for issuance of certificate of project affected persons category has been turned down by the respondent, only on the ground that the application is tendered after 18 years from the date of acquisition of the land. The application is by the grand-son of the person whose land is acquired. The policy prescribed by the State Government does not prohibit issuance of certificate for the benefits of the grandson. Apart from this, considering the policy prevailing at the time of acquisition of the land i.e. in 1986, the petitioner is entitled to claim certificate.

5 For the reasons recorded above, the writ petition deserves to be allowed and the same is accordingly allowed. The impugned order, denying issuance of project affected category certificate in favour of the petitioner dated 22.1.2018 is quashed and set aside and the respondent Deputy Collector -

Rehabilitation is directed to issue Project Affected Persons Category certificate in favour of the petitioner, in the prescribed proforma within a period of four weeks from today.

6 Rule is accordingly made absolute.

7 There shall be no order as to costs.

(K.K. SONAWANE, J)

(R.M. BORDE, J)

vbd