

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14972 OF 2017

Sumit Bhausahab Kalhapure

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sambhaji B. Tarde, Advocate for the Petitioner.

Mrs. M. A. Deshpande, A.G.P. for Respondents.

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

DATE : **24th January, 2018**

PER COURT :

1. The learned counsel for the petitioner submits that the original holder of the Project Affected Persons certificate Mohan Mahadeo Kalhapure had given application for transfer of the certificate in favour of petitioner on 17.8.2009. The application was rejected on the ground that there is no provision to transfer the certificate in the name of great grand son. The learned advocate relies on the Government Resolution dated 2nd May, 2016, to submit that transfer is permissible even in favour of

great grand son. The learned counsel submits that subsequently application was given for transfer of the certificate in the name of petitioner by the petitioner. However, it is rejected on the ground that other heirs no objection also should be obtained. The learned advocate submits that it would not be necessary.

2. The learned A.G.P. submits that so as to avoid any future disputes amongst the heirs for the benefit of Project Affected Persons certificate, authority has passed the order.

3. The Government Resolution dated 2nd May, 2016 permits transfer of Project Affected Persons certificate for 3 generations by nomination and up to the generation of great great grand son.

4. It is submitted that the Project Affected Persons certificate is in the name of the Mohan Mahadeo Kalhapure. According to the petitioner, he is his grand father. He had made an application nominating the present petitioner for the Project Affected Persons certificate on 17.8.2009, which was rejected on the ground that the certificate cannot be transferred in the name of great grand son of the original project affected person. The

said anomaly is cleared by the Government Resolution dated 2nd May, 2016.

5. Hence, we pass the following order-

ORDER

I] The authority shall verify the Project Affected Persons certificate issued in favour of Mohan Mahadeo Kalhapure.

II] It should also verify the application given by Mohan Mahadeo Kalhapure on 17.8.2009 (Page 18) and if the authority is satisfied that Mohan Mahadeo Kalhapure had given the application for transfer of the Project Affected Persons certificate to the petitioner, shall thereafter take steps for transfer of the certificate in favour of the petitioner in case there is no other impediment. The same shall be done expeditiously.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

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[S. V. GANGAPURWALA, J.]