

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

WRIT PETITION NO.15078 OF 2017

KISHAN S/O INDROBA SHINDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sudhir K. Chavan, Advocate for the Petitioner.
Mr. S. B. Yavalkar, AGP for Respondents-State.
Mr. Manish N. Navandar, Advocate for Respondent No.4.
Ms. Sheetal V. Salunke, Advocate for Respondent No.5.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 26th JULY, 2018.

PER COURT:-

1. Mr. Chavan, learned counsel for the petitioner submits that the impugned order has been passed by the University under the misconception that one Waman Indroba appointed as a Security Officer is from the family of the Manikba, Gangadhar, Narhari and Indroba. In fact, Manikba, Gangadhar, Narhari and Indroba belong to Shinde family and Waman Indroba belongs to Khating family and he has claimed benefit on the basis of P.A.P. certificate of Vyankatrao Khobraji Khating. The said aspect is also clear from the genealogy produced.

2. Ms. Salunke, learned counsel for respondent no.5 submits that Waman Indroba has claimed the benefit of P.A.P. on the basis of the certificate issued to Vyankatrao Khobraji. Only because surname is not mentioned of Vyankatrao Khobraji, the confusion has arisen.

3. Mr. Navandar, learned counsel submits that on the basis of the documents on record, no error is committed by the Authority in passing the impugned order.

4. We have considered the submissions canvassed by respective parties.

5. The case of the petitioner is that the petitioner and Waman Indroba who have taken benefits of P.A.P. are from different family and are claiming on the basis of different project affected persons certificate.

6. The petitioner will have to show the lands acquired independently of the petitioner's family and Waman Indroba family.

7. The Survey number in P.A.P. certificate issued in favour of Manikba, Gangadhar, Narhari and Indroba is shown as Survey No.13 situated at Sayala. The P.A.P. certificate issued in favour of Vyankatrao Khobraji shows Gut No.50/1. The petitioner may produce the relevant record to

substantiate his claim that the P.A.P. certificate on the basis of which he claimed and the P.A.P. certificate on the basis of respondent no.5 appointed are distinct and separate and both belong to different families. If, such evidence is produced, the respondent no.4 shall consider the case of the petitioner afresh, on its own merits and while doing so, the impugned order would not be an impediment.

8. After production of necessary evidence, the Authority shall take decision within (03) three months.

9. Writ petition accordingly disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE