

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 44 OF 2019
IN
WRIT PETITION NO. 13009 OF 2017

Raghav Devba Magre

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. S.S. Kulkarni, Advocate for Applicant
Mr. S.B. Pulkundwar, Assistant Government Pleader
for Respondent Nos. 1 to 3

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

DATE : 15th MARCH, 2019

ORAL ORDER:

1. The applicant seeks review of the order dated 24th January, 2018 passed in Writ Petition No. 13009/2017. The applicant is holding 34R land. The application for issuance of Project Affected Person certificate is rejected on the ground that the applicant holds more than 20R land and as per Government Resolution dated 3rd May, 2010, if a person holds land more than 20R, then he is not entitled for PAP certificate. According to the learned Counsel, the Government Resolution dated 3rd May, 2010 would not have retrospective operation and the land of the applicant has been acquired in the year 1988.

2. Mr. Pulkundwar, the learned Assistant Government Pleader submits that the application of the applicant for PAP certificate is rejected, basically on the ground that the applicant holds more than one hector land and there is no record of the partition as claimed by the applicant and only 2R land was acquired.

3. While disposing of the Writ Petition, we had observed that even if 34 R land is considered to be held by the applicant , however, in view of the Government Resolution dated 3rd May, 2010, minimum 20R land has to be acquired then only is entitled for PAP certificate. The Government Resolution dated 3rd May, 2010 would not have retrospective effect. The learned Counsel relies on the Judgment of the Division Bench of this Court in Writ Petition No. 1531/2018 dated 22nd February, 2018.

4. Considering the Judgment delivered by Division Bench of this Court in Writ Petition No. 1531/2018 dated 22nd February, 2018, it is clear that view has been taken by this Court that Government Resolution dated 3rd May, 2010 would not have retrospective operation, and so, the condition of minimum 20R land to be acquired would not apply while considering the application of the applicant for PAP certificate.

5. The applicant claims that he owns 34R land and as per the order impugned in the Writ Petition, the applicant owns more

than one hector land. The applicant may put forth the facts before the concerned Authority.

6. Considering the above, the Judgment passed in Writ Petition No.13009/2017 dated 24th January, 2018 is recalled.

7. The Writ Petition is disposed of by setting aside the order impugned in the Writ Petition and directing the authority to reconsider the case of the applicant for issuance of PAP certificate. The applicant may place on record the relevant documents showing his holding and the relevant law before the Authority. The applicant may appear before the Authority on 2nd April, 2019 and authority shall decide the said application afresh on its own merits expeditiously and preferably within a period of three months from the date of appearance.

8. The Review Application is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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