

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

1082 WRIT PETITION NO.14044 OF 2018

GAJANAN NAMDEVRAO MORE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Yogesh K. Bobade h/f Mr. A. B. Shinde, Advocate
for the Petitioner.

Mr. S. M. Ganachari, AGP for Respondents-State.

...

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

DATED : 18th JANUARY, 2019.

PER COURT:-

1. The application of the petitioner for issuance of Project Affected Persons Certificate is rejected on the basis of the Government Resolution dated 23.08.2004.

2. We have heard learned counsel for the petitioner and learned A.G.P.

3. It is the contention that the Government Resolution dated 23.08.2004 would not retrospectively apply to the lands acquired in the year 1993. The petitioner relies on the judgments of the Division Bench of this Court in Writ Petition Nos.1531 of 2018 dated 22.02.2018 and 2286

of 2013 dated 25.03.2013.

4. In the aforesaid judgments, this Court had held that the date when the land was acquired for the public purpose will have to be considered.

5. In light of the above, the Government Resolution dated 23.08.2004 may not apply to the petitioner.

6. The impugned order is quashed and set aside. The authorities shall decide the application of the petitioner afresh considering all other relevant aspects of the matter and shall not reject it on the ground on which the impugned order is passed.

7. Parties to act on the authenticate copy of this order.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE