

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1246 OF 2019

Shri Sanjay Ramchandra Tone

... Petitioner.

V/s.

The State of Maharashtra And Others

... Respondents.

Ms. Snehal S.Jadhav, Advocate, i/by Mr. S S. Kadam, for the
Petitioner.

Mrs. Madhubala Kajale, "B" Panel Counsel for the State/
Respondent Nos. 1 to 3.

CORAM : R.M. BORDE & V.L. ACHLIYA,JJ.

DATE : FEBRUARY 04, 2019.

PC :

1 The Petitioner's Application for issuance of a certificate of project affected person has been turned down by the Deputy Collector, Rehabilitation, Sangli, vide order dated 26.09.2018. The land claimed by the Petitioner, which was in fact recorded in the name of his grand-father, was acquired in the year 1975. At the relevant time, the Project Affected Person's Certificate was issued to the original owner by name Mr. Laxman Maruti Tone and the same was again transferred in the name of Duryodhan Ananda Tone at the request of the holder of the certificate. It is recored in the order by the

Deputy Collector (Rehabilitation) that a second certificate cannot be issued to another member of the joint family and that no such provision finds place in the policy prescribed by the government on 21.01.1980. The policy in respect of which reference is made by the Petitioner for claiming another certificate in favour of the member of the joint family, relates to initiation of the acquisition proceedings by the State Authority before 1st June, 1965.

2 In the instant matter, the proceedings for acquisition of the land were initiated by the government on 01.08.1974 and those proceedings appear to have been concluded within a year. In any case, the policy referred by the Petitioner for claiming entitlement for receipt of certificate of project affected person in favour of other member of the joint family is not applicable to the instant matter. The decision rendered by the Deputy Collector, Rehabilitation, Sangli, on 26.09.2018 does not call for any interference by this court in exercise of its jurisdiction under Article 226 of the Constitution of India.

3 The Petition is devoid of any substance. The same is dismissed accordingly.

(V.L.ACHLIYA,J.)

(R.M. BORDE)