

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

WRIT PETITION NO. 4726 OF 2021

Sainath Deorao Janjal

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Subham D. Jayabhar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 4,

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 23RD AUGUST, 2021.

FINAL ORDER :

1. The application filed for issuance of Project Affected Person's Certificate is rejected.

2. Issue notice to the respondents. The learned Additional G. P. accepts notice for all respondents.

3. The land of the petitioner is acquired for village storage tank. The definition of 'project' would be 'a public utility project; an irrigation project; a power project and involving any work of construction, extension, improvement or development which is incidental or supplemental to the execution of a project.' The definition of 'project' is not inclusive, but exhaustive. The said definition will have to be liberally construed.

4. This Court has already held that the land acquired for construction of village storage tank comes within the purview of the public project. This Court in Writ Petition No. 2338 of 2010 under judgment dated 22nd March 2010 held that the same is the public project and a person is entitled for issuance of certificate.

5. In the light of that, the impugned order is quashed and set aside. The respondents shall reconsider the application of the petitioner for issuance of certificate of Project Affected Person on it's own merits, in accordance with law and shall not reject on the ground the impugned order is passed. The application filed by the petitioner shall be decided expeditiously and preferably within a period of four (04) months from today.

6. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug.21