

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

WRIT PETITION NO. 7833 OF 2020

Santosh Pralhad Sonkamble
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Nandkishor J. Pahune Patil, Advocate for Petitioners.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 20TH JANUARY, 2021.**

FINAL ORDER :

. The petitioners had applied for grant of Project Affected Persons certificate. Same is rejected. Aggrieved thereby present petition.

2. Mr. Patil, the learned advocate for petitioners contends that, the land of petitioners has been acquired under award dated 02nd January, 2012. At the relevant time the Government Resolution dated 03.05.2010 was in force, but the authorities wrongly applied G. R. dated 17.04.2006 only on the ground that Sec. 4 notification under the Land Acquisition Act (for short “L. A. Act”) was issued prior to G. R. dated 03.05.2010. The same is illegal.

3. Mr. Patil, the learned Additional Government Pleader submits that, the Government had declared its intention to acquire all lands published in the notification under L. A. Act and the same would be relevant date for consideration. The authority has rightly considered said aspect.

4. It is not disputed that the land of petitioners has been acquired under the award passed in the year 2012.

5. After the notification issued U/Sec. 4 of the L. A. Act, objections are invited U/Sec. 5A of the L. A. Act. After the objections are decided, then declaration U/Sec. 6 of the L. A. Act is issued. The Government can even allow the objection filed by a person U/Sec. 5A of the L. A. Act and thereafter proceed to complete the acquisition proceedings.

6. Admittedly, the award is passed subsequent to the G. R. dated 03rd May, 2010. In view of that, the G. R. dated 03.05.2010 would apply.

7. As per G. R. dated 03.05.2010, the condition of 100% land of a person to be acquired for being entitled to the certificate of Project Affected Person is cancelled. The G. R. dated 03.05.2010 is in regional language. It is contended that, 56R land of the petitioners only remains and rest of the land is acquired under award of the year 2012.

8. In the light of the above, the impugned order is quashed and set aside. The authority shall reconsider the application of the petitioner for issuance of P.A.P. certificate considering G. R. dated 03.05.2010 and other relevant Government Resolutions existing as in the year 2012. Certainly reliance on G. R. dated 17.04.2006 is unwarranted. The same be decided on its own merits, in accordance with law and policy, expeditiously and preferably within a period of two (02) months from today.

9. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Jan. 21