

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

48 WRIT PETITION NO.5246 OF 2022

**CHINGUBAI GAUTAM GHARAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Ms. Sakshi A. Kale, Advocate h/f Mr. A. B. Kale,
Advocate for the petitioners
Mr. S. G. Sangle, AGP for the respondents/State

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 27th June, 2022

P. C.

1. Leave to delete the word 'Deputy' from the description of respondent No.2. Deletion be carried out forthwith.

2. The petitioners have putforth prayer clauses 'C' and 'D' as under:-

C] To direct the respondents to include name of petitioners into the list of final beneficiaries of persons entitled for resettlement and for that purpose issue necessary orders.

D] To direct the respondents to grant all the benefit of resettlement as decided to be granted to the other person affected by the construct Irrigation Project at Village Kumbhari, Tq. & Duist. Beed and for that purpose issue necessary orders.

3. The petitioner No.1 is the daughter of deceased Dashrath Babasaheb Shinde whose name is included in the list of the affected persons at Sr. No. 83 on account of the public project known as Satrapotra Sathwan Talaw, Tq. & Dist. Beed. Since, Dashrath Babasaheb Shinde has passed away, petitioner No.1 claims to be the legal heir. A

representation has been made on 21-12-2021 to the District Collector (Rehabilitation Department) for correcting entry No. 83 in the said list which is dated 07-11-2018. The heirship certificate issued to petitioner No.1 by the learned Joint Civil Judge, Junior Division on 10-09-2020, is also placed before us.

4. In view of the above, this petition is disposed off with the direction to respondent No.2 to re-visit the said list/ annexure to the communication dated 07-11-2018 made by respondent No.4 to the Deputy Collector from the office of the District Collector (Rehabilitation Department). The heirship certificate shall be considered by the competent authority and accordingly, follow up action as is permissible in law shall be taken up, preferably on or before

(4)

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30-09-2022. If there is any other legal impediment, respondent No.2 is at liberty to assign reasons indicating the legal impediments and thereafter pass an appropriate order.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

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