

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

11 WRIT PETITION NO.4834 OF 2022

**REWANAND OMKARSHANKAR BHIRUD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners: Ms.Sonali P. Shahgadkar
AGP for Respondents/State: Mr. P. S. Patil

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN RAMNATH PEDNEKER, JJ.

DATE: 25th JULY, 2022

PER COURT:

1. The Petitioners have put-forth prayer clause 'B', as under-

"B. The respondents no.3 to 6 may please be directed to forthwith decide & consider the representation dated 20.10.2021 made by the petitioners and further consider his candidature appointment from Project Affected Persons Category being a Heir & legal representative of Shankar Mahadu Bhirud, whose land was acquired for the purposes of Thermal Power Station, by issuing writ of mandamus, order or directions in the nature of writ of mandamus or any other

appropriate writ in the nature of writ of mandamus."

2. Due to lack of proper pleadings, we are unable to find out as to whether the Petitioner Rewanand and his son Kishor are connected with the original project affected person, late Shankar Mahadu Bhirud. The family tree is not placed on record. There are no pleadings. We are, therefore, unable to assess, in as much as the Petitioners are unable to narrate as to their relations with the purported original land owner Shankar Mahadu Bhirud.

3. The grievance of the Petitioners seems to be that Chintaman Ramchandra Bhirud has been wrongly granted PAP certificate as he is not related to the late Shankar Mahadu Bhirud. This issue needs to be investigated into by the office of the District Collector or any competent person or the Deputy Collector (Rehabilitation), Jalgaon.

4. In view of the above, the Petition is disposed of with liberty to the Petitioners to

approach the Deputy Collector (Rehabilitation), Jalgaon by making a proper application by tendering the family tree and all such documents which would establish the relation between the Petitioners and the original landlord Shankar Mahadu Bhirud.

5. We expect the Deputy Collector (Rehabilitation), Jalgaon to consider the said application and assess as to whether the allegations of the Petitioners are substantiated by the record. If the Petitioners succeed in establishing that Chintaman Ramchandra Bhirud could not have been granted the PAP certificate, appropriate steps could then be initiated. Needless to state, the representation of the Petitioners would be considered by granting reasonable opportunity of hearing even to Chintaman Ramchandra Bhirud and / or, all persons concerned with Shankar Mahadu Bhirud.