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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4563 OF 2021

Deepak Bhaskar Karad & Anr. Petitioners

Vs.

Dy. Collector (Rehabilitation)
Nashik & Ors. Respondents

Pratik Balasaheb Rahade for the Petitioners
Rameshwar Gite for the Respondents
M. S. Bane, AGP for the State

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 31, 2022

P.C.

1 Under the impugned order, a Project Affected Person Certificate issued to the Petitioner is rejected.

2 We have heard the learned Counsel for the Petitioners, the learned Counsel for the Respondents and learned AGP for the State.

3 It appears that the land of Tukaram Nana Dhatrak was acquired. He was survived by son's and daughters.

4 The Petitioner's father was the son of Mhalsabai. Mhalsabai is the daughter of Tukaram Nana Dhatrak. The father of the Petitioner was issued with a Project Affected Person Certificate in the year 1986. Subsequent thereto, the Project Affected Person Certificate was issued in favour of the present Petitioner. The present Respondent Nos.5 and 6 raised objections to the grant of Project Affected Person Certificate to the Petitioner. The objections of the present Respondent Nos.5 and 6 have been allowed and the Project Affected Person Certificate issued in favour of the Petitioner has been cancelled.

5 It appears that present Respondent Nos.5 and 6 have raised various objections. The Petitioner had also placed on record his submissions.

6 Perusal of the impugned order transpires that the Authority has cancelled the Project Affected Person Certificate only on the ground that 7/12 extract does not show that the Petitioner has any share in the property. Save and except the said ground, no other reason appears

from the order. The order nowhere takes into consideration whether the Petitioner would come within the definition of “Family”. Whether it can be said that Tukaram was dependent upon the grandmother of the Petitioner or otherwise.

7 It would also have to be considered about the rights of the present Respondent Nos.5 and 6. All these aspects are required to be considered. The Authority was required to consider the effect of Section 6 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

8 In the light of the above, the impugned order is set aside.

9 The parties are relegated before Respondent No.1.

10 The parties shall appear before Respondent No.1 on 21st April 2022.

11 Respondent No.1 shall thereafter decide the objections of present Respondent Nos.5 and 6, afresh. Same shall be

decided preferably within four months from the date of appearance of the Petitioner.

12 The Writ Petition is accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)