

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6633 OF 2018

Mahadeo S/o Bhedrya Sonekar Thr. LRs Malan M. Sonekar, Parshivani, Dist. Nagpur and
anr.

-vs-

Deputy Collector (Rehabilitation) Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. S. Girdekar, Advocate for petitioners.

Ms N. P. Mehta, Assistant Government Pleader for respondent.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : July 20, 2022

P.C.

Rule. Rule made returnable forthwith and heard the
learned counsel for the parties.

Land bearing Survey Nos.117 and 152 situated at village
Bhakhari, Tal. Parshivani, Dist. Nagpur was acquired for
construction of Ash band of Khaparpheda Thermal Power
Station. The original petitioner No.1 who is the owner of the
aforesaid land was issueless and during pendency of this writ
petition he expired. His widow has been brought on record as
petitioner No.1(a). The petitioner No.2 is the grandson of
brother of petitioner No.1 namely Soma. The original petitioner
No.1 had moved an application on 11/07/2017 seeking issuance
of Project Affected Person's certificate in the name of petitioner

No.2. This request has been rejected by the Deputy Collector in view of provisions of Government Resolution dated 22/05/1996. According to that Government Resolution, the relationship of petitioner No.2 with the original petitioner No.1 was such that the benefit could not be granted.

Considering the fact that such application was made seeking issuance of certificate in the name of petitioner No.2 and as the petitioner No.1 was never issued such certificate during his life time, the interests of justice would be served by permitting the petitioner No.1(a) who is the widow of original land owner to apply for Project Affected Person's certificate in her own name and then seek to transfer the same in favour of petitioner No.2 in the light of Government Resolution dated 02/05/2016.

Hence with liberty to the petitioner No.1(a) to make an application for issuance of such Project Affected Person's certificate to the respondent, the writ petition is disposed of. If such application is made to the respondent, the same shall be considered expeditiously in accordance with law.

Rule stands disposed of in aforesaid terms. No costs.