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

901 **WRIT PETITION NO.3607 OF 2023**

ALISHANBEE SHABBIR PATHAN
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Ghatol Patil Shahaji B.
AGP for Respondents/State : Mr. S.W. Munde
...

**CORAM : RAVINDRA V. GHUGE &**
**Y.G. KHOBRAGADE, JJ.**
**DATE : 14th June, 2023**

**P.C. :-**

1. On 29.03.2023, this Court passed the following order:

". *We have heard learned counsel for the petitioner Mr. Ghatol Patil. He has invited our attention to Clause (b) of Sub Section (4) of Section 1 of the Maharashtra Act No. XI of 2001 viz Maharashtra Project Affected Persons Rehabilitation Act, 1999. According to him since the said Act is applicable even to the Industrial projects, the impugned communication issued by the Rehabilitation Officer on 24.02.2022 is not sustainable. According to him merely because land of the petitioner to the extent of 27R was acquired for MIDC purpose, still petitioner is entitled for extension of benefit.*

*2. Issue notice to respondents, returnable on 06.06.2023. Learned A. G. P. waives notice for respondent Nos. 1 to 4."*

*3. We direct the respondents to complete the pleadings by returnable date.*"

2. On 06.06.2023, this matter was heard and at the request of the AGP, it was adjourned. On 13.06.2023, this matter was heard and again was adjourned at the request of the AGP.

3. Today, we have considered the submissions of the learned advocates for the respective sides.

4. The learned AGP submits on specific instructions from the District Rehabilitation Officer, Shri Prabhoday Govind Mule that the Government has a policy of allotting 15% of the land which is acquired for the industrial project for setting up of industrial area under the MIDC. With this statement, the Petitioner stands to gain a plot or land which is equivalent to 15% of his total land which has been acquired. Due to this policy, the MIDC is not required to issue 'Project Affected Person' certificates.

5. The Petitioner has lost 0H 27R land in gut no.34 which was acquired for setting up of the Shendra 5 Star MIDC area. The learned advocate for the Petitioner makes a statement on instructions that the Petitioner has not been allotted any such land to the extent of 15%.

6. In view of the above, **this petition is partly allowed**. The State Government shall ensure that 15% of the land, as is allocable to the Petitioner in relation to 0H 27R land acquired for the project, shall be alloted within a period of 90 days from today, if not already allotted.

**[Y.G. KHOBRAGADE, J.]** **[RAVINDRA V. GHUGE, J.]**

mub