

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8689 OF 2019**

YOGITA NATHARAO KENDRE ALIAS YOGITA AMOL
DHAKANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Nanabhau R. Thorat, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 17th APRIL, 2023.**

P.C:-

1. The challenge in the petition is to the communication dated September 5, 2018 issued by respondent nos.3 and 4 whereby a prayer of the married daughter of Project Affected Person for issuance of the certificate in the name of her husband came to be rejected.

2. Learned counsel for the petitioner submits that, after the amendment to the Hindu Succession Act, married daughter is held to be entitled to succeed the property of the father. According to him, in view of the above, the husband of the married daughter equally entitled for such relief. So as to substantiate his contentions, he has relied on the certificate issued by the respondents in favour of the other similarly placed persons.

3. Learned A.G.P. would oppose the prayer, as according to him, the prayer for issuance of the Project Affected Persons certificate can be continued for three generation. However, according to him, husband of the daughter of the Project Affected Person is not qualified to have such certificate in his favour. He

has drawn support from the contents of the Government Resolution dated 2nd May, 2016 issued by the Revenue and Forest Department.

4. We have considered the aforesaid submissions.

5. No doubt the daughter of the Project Affected Person is qualified to have such certificate issued in her name as that of a Project Affected Person. However, the scheme nowhere qualifies the claim of the husband of the married daughter to have such certificate issued. The son-in-law of the Project Affected Person cannot be termed as blood relation for extending benefits of Project Affected Persons Act. Support to above observation can be drawn from the above referred Government Resolution dated 2nd May, 2016.

6. Merely because respondents-authorities have issued certificate in favour of son-in-law of deceased person that by itself will not give leverage to the petitioner to ask for an order from this Court thereby directing the respondents to issue such certificate. Even if based on above the Government Resolution it is claimed that benefits as of project affected certificate can be availed for three generations, however, the petitioner is unable to demonstrate any legal provision to substantiate her above claim.

7. In view of the above, there is no substance in the petition. Writ Petition as such stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE