

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

75 WRIT PETITION NO.8066 OF 2023

SHIVRAJ MANIKA MUNDKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

Mr.G.J.Karne, Advocate for the Petitioners.
Mr.V.M.Kagne, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 11, 2023

PER COURT :

1. The Petitioners desire that the Project Affected Person (PAP) certificate dated 02.04.1987 issued in favour of Petitioner No.1, be transferred in favour of Petitioner No.2. The learned Advocate for the Petitioners submits on instructions that Petitioner No.1 has never derived any advantage or benefit of the PAP certificate received by him. That certificate is dated 02.04.1987. No such benefit is derived. If this statement turns out to be false, the statutory authorities are at liberty to prosecute Petitioner No.1.

2. In the above backdrop, the learned Advocate submits that a recent judgment delivered by this Court dated 29.11.2022 at Aurangabad in WP No.3027/2022 (Balaji Nivrutti Surnar and another Vs. The State of Maharashtra and another), is squarely applicable to the case of the Petitioners.

3. The learned AGP submits that if Petitioner No.1 has not derived any advantage of the PAP certificate, only then the judgment delivered in Balaji Nivrutti (supra), will be applicable to this case.

4. In view of the above, **this petition is disposed off** with the direction that Respondent No.2 Authority shall carry out a verification exercise to find out whether Petitioner No.1 has taken any advantage of the PAP certificate dated 02.04.1987. If no such benefit is derived, the said certificate may be transferred in the name of his son Petitioner No.2, namely Manik Shivram. While doing so, an affidavit shall be taken from Petitioner No.1 stating that he has not derived any advantage and if it is noticed that he has taken the benefit of the PAP certificate, prosecution can be launched against him and the PAP certificate transferred in the name of Petitioner No.2, shall be cancelled.

After Petitioner No.1 tenders such an undertaking affidavit, the verification exercise would be carried out within 30 days and the transfer of the Certificate, if permissible, would be issued after 10 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)