

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12258 OF 2023

AAKASH SHESHRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Shendurnikar Pushkar S.
AGP for Respondents 1 to 3/State : Shri P.K. Lakhotiya
...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 19th October, 2023

Per Court :-

1. The Petitioner has put forth prayer clause A as
under:-

“A) *The Hon'ble High Court may kindly be pleased to issue the writ of mandamus or any other appropriate writ, order or direction and thereby quash and set aside the impugned Communication and Order dated 31.07.2023 passed by the District Rehabilitation Officer, Aurangabad (Respondent No. 3) and may further be pleased to direct the Respondent No. 3 to issue the 'Project Affected Person Certificate' to the present petitioner under Sec. 5(c) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.*”

2. We have heard the learned Advocate for the

Petitioner and the learned AGP on behalf of the Respondents/State.

3. It is not disputed that the judgment delivered by this Court dated 18.08.2021 in Writ Petition No.1315/2020 (***Tukaram Bhujanga Waghmare vs. The State of Maharashtra and others***), is applicable to the case of the Petitioner. An earlier view taken by this Court in ***Kalidas Namdeo Saruk vs. The State of Maharashtra and others, 2013 (6) ABR (NOC) 177 (BOM)***, lays down the law which supports the Petitioner.

4. Considering the above, **this Writ Petition is partly allowed**. The impugned order dated 31.07.2023 is quashed and set aside and the proposal of the Petitioner for seeking a Project Affected Person (PAP) Certificate under Section 5(c) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, is restored to the file of Respondent No.3.

5. Needless to state, Respondent No.3 would carry out a scrutiny and verification of the claim of the Petitioner and by granting an opportunity of hearing to all the stakeholders, pass an appropriate order within 60 days from today.