

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.3258 OF 2023

VIJAY DAYARAM CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

.....
Advocate for Petitioner : Mr. H.P. Kshirsagar
AGP for Respondents: Mr. S.K. Tambe
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd MARCH, 2023.**

PER COURT :-

1. The Petitioner's mother had approached the Deputy Collector (Rehabilitation), Jalgaon, stating that her one Hectare land in Gat No.6 and 0.07 Hectare land in Gat No.7, is submerged in the waters of Tapi River. She demanded a Project Affected Person (PAP) certificate.

2. The Deputy Collector (Rehabilitation), has informed the Petitioner, vide order dated 30.5.2022, that the policy of the Government, introduced vide Government Resolution dated 25.7.2019, indicates that the affected area should be more than 50 hectare and command area should be more than 200 Hectare so as to entitle the person who has lost his land, for issuance of PAP certificate. If the area is less than 50 Hectare and the command area is less than 200 Hectare, such provision may not be applicable.

3. The learned advocate for the Petitioner submits that his mother has received compensation of Rs.30,43,084/- for the land that was submerged by virtue of an award that was delivered by the Special Land Acquisition Officer.

4. It does not call for any debate that the Court cannot legislate. When the policy of the Government is implemented since 1991, and the said policy having not been challenged till today, it would be inappropriate for this Court to grant a PAP certificate to such claimants who were not entitled for PAP certificate. Such claimants, were entitled only for compensation which they have already received.

5. In view of the above, we do not find that the impugned order could be termed as being perverse or erroneous. The Writ Petition is, therefore, dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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