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

959 WRIT PETITION NO. 2269 OF 2024

**UTTAM BABARAO WANKHEDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

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Mr G. J. Karne, Advocate for Petitioners;
Mr R. S. Wani, A.G.P. for Respondents /State

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 28th February, 2024

PER COURT:

1. Leave to add prayer clause. Addition be carried out forthwith.
2. Petitioner No.1 prays for issuance of the 'Project Affected Person' (PAP) Certificate in favour of Petitioner No.2, who is his son. A solemn statement is made that, no such PAP certificate was sought earlier, much less received, and no such certificate is utilized for the benefit of any nominee or relative of the actually affected person. We make it clear that, if such

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statement turns out to be false, the Statutory Authority would be at liberty to prosecute Petitioner No.1.

3. The only ground raised by the Respondents is, that a PAP certificate is sought after a passage of 30 years. This issue is no longer *res integra* in view of the judgment dated 29/11/2022, delivered at Aurangabad in Writ Petition No.3027/2022 (Balaji Nivruti Surnar and another vs. State of Maharashtra and another).

4. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 15/02/2024, passed by Respondent No.2/District Rehabilitation Officer, Collector Office, Nanded, stands quashed and set aside. We direct Petitioner No.1 to tender an affidavit undertaking to Respondent No.2, declaring that Petitioner No.1 has not sought any such PAP certificate earlier and he has not nominated any person to take benefits of the PAP certificate. If a fraud is noticed, the prosecution can be lodged against him and the PAP certificate, if issued in the name of Petitioner No.2, shall be cancelled. After Petitioner No.1 tenders the said affidavit undertaking within 30 days, the verification of the claim of the Petitioner No.1, vis-a-vis Petitioner No.2, shall be undertaken, and if it is noticed that Petitioner No.1

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is entitled for issuance of PAP certificate for his nominee, the same may be issued by following the due procedure of law.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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