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

907 WRIT PETITION NO. 3049 OF 2024

MAYUR BALAJI PATIL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

....

Mr G. J. Karne, Advocate for Petitioner;

Mr S. R. Yadav Lonikar, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 16th July, 2024

PER COURT:

1. The Petitioner prays for issuance of a 'Project Affected Persons' certificate in his favour, claiming that, he is the grandchild of Shri. Gangadhar Kishnrao Patil, who is said to be a land loser. A specific averment is made that, neither the father of the Petitioner, nor any nominee of the grandfather has taken any advantage or has utilized such PAP certificate, nor anybody has derived any benefit. We make it clear that, if this statement turns out to be false, the statutory authority would be at liberty to prosecute the Petitioner.

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2. The learned A.G.P. has vehemently opposed this Writ Petition contending that the request for PAP certificate is made after 52 years. We find that as this Court has delivered a judgment on 29/11/2022, in Writ Petition No.3027/2022 (**Balaji Nivruti Surnar and another Vs. State of Maharashtra and another**), the case of the Petitioner can be considered if there is no legal impediment.

3. We also find that the State Government is yet to come out with any policy decision to restrain such cases of claims being made after 30 years, 40 years or even 52 years as like in present case. Unless such limitation or bar is created by the State Government, notwithstanding the fact that a delayed application could be rejected, the fact remains that the PAP certificate has a benevolent object in view of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

4. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 04/03/2024, passed by Respondent No.2/District Rehabilitation Officer, Nanded, is quashed and set aside. We direct the Petitioner to tender an

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affidavit undertaking before Respondent No.2 within a period of 30 days from today, declaring that, if it is revealed in the enquiry that the PAP certificate of his grandfather is utilized by any person or any close relative or nominee for taking benefit of the PAP certificate, or if a fraud is noticed, the Petitioner would be prosecuted. After such affidavit undertaking is tendered, Respondent No.2 would carry out a detailed enquiry and only after being convinced that the PAP certificate of the grandfather of the Petitioner has not been utilized by any person, whatsoever, and if there is no legal impediment, appropriate orders for transferring the PAP certificate may be passed within a period of 180 days.

(Y. G. KHOBRADE, J.)**(RAVINDRA V. GHUGE, J.)**

sjk