



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3651 OF 2024

MADHAV SANGRAM KADAM

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

Mr. G. J. Karne, Advocate for the Petitioner

Mr. D. R. Korade, AGP for the Respondent/State

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

DATE : 10th April, 2024

PER COURT :-

1. The Petitioner desires that the Project Affected Person (PAP) certificate dated 3rd July, 1992 issued in favour of the grandfather of the Petitioner, be transferred in favour of the Petitioner. The learned Advocate for the Petitioner makes a solemn statement that neither his grandfather nor his father had never derived any advantage or benefit of the PAP certificate received by him.

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 it is noticed that the father or grandfather of the Petitioner 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 Writ Petition is partly allowed.** The impugned order dated 21st March, 2024 stand quashed and set aside, with a direction to Respondent No.2 Authority to carry out a verification exercise as to whether the Petitioner's father or the grandfather have taken any advantage of the PAP certificate dated 3rd July, 1992. If no such benefit is derived, the said certificate may be transferred in the name of the Petitioner. While doing so, an affidavit shall be taken from the father as well as the grandfather of the Petitioner stating that they did not derive any advantage of the PAP certificate and if it is noticed in future that such benefit has been taken, prosecution shall be launched against all these persons and the transfer certificate shall stand cancelled. Only after these three persons tender such affidavit undertaking, the verification exercise would be commenced and would be concluded within 30 days.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp