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

WRIT PETITION NO. 6424 OF 2024

**SHIVANAND SHESHERAO NAIK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

....

Mr G. J. Karne, Advocate for Petitioner;
Mr N. S. Tekale, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 2nd July, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (C) and (D), as under :-

“C) By issue of writ of mandamus or any other appropriate writ or order impugned order dated 18.06.2024 passed by the respondent no.2 may quash and set aside.

D) By issue of writ of mandamus or order in the like nature, the Hon’ble court may kindly be direct the respondent no.2 to issue project affected persons certificate in the name of Shivanand s/o Shesherao Naik.”

2. A categoric statement is made by the Petitioner that, neither the son, nor any grandson or any relative or nominee of

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the original Project Affected Person (PAP), Smt. Taibai Gulabrao Naik (Grandmother of the Petitioner), have ever derived any advantage or benefit of the said PAP certificate. It is contended that, a recent judgment delivered by this Court on 29/11/2022, at Aurangabad Bench in Writ Petition No.3027/2022 (Balaji Nivrutti Surnar and another Vs. State of Maharashtra), would be applicable to the case of the present Petitioner.

3. The learned A.G.P. submits that, if it is noticed that the father or grandfather of the Petitioner or any relative or person, 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 18/06/2024, passed by Respondent No.2/District Rehabilitation Officer, Nanded, stands quashed and set aside, with a direction to Respondent No.2 to carry out a verification exercise, as to whether the Petitioner's father or the grandfather or any relative or person, has taken any advantage of the PAP certificate dated 13th July, 1992. If no such

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benefit is derived, the said certificate may be transferred in the name of the Petitioner. While doing such verification, 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, by them or on their nomination, prosecution shall be launched against all these persons and the said certificate shall stand cancelled. Only after these persons tender such affidavit undertaking, the verification exercise would be commenced and would be concluded within 45 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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