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

63 WRIT PETITION NO. 7860 OF 2024

MAHESH JAGANNATH WALKE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

....

Mr Sanket Anna Jadhav, Advocate for Petitioner

Mr S. J. Salgare, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 30th July, 2024

PER COURT:

1. The Petitioner prays for transferring of a 'Project Affected Persons' (PAP) certificate, in his favour, claiming that, he is the son of Shri. Jagannath Rambhau Walke, who is said to be a land loser. A specific averment is made that, neither the father of the Petitioner, nor any nominee of his father 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 32 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 or claims being made after 30 years, 40 years, etc. 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/communication dated 04/07/2024, passed by the Deputy Collector (Rehabilitation), Ahmednagar, 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 father 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 inquiry and only after being convinced that the PAP certificate of the father 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