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

908 WRIT PETITION NO. 11477 OF 2022

RAJENDRA EKNATH SHINDE

VERSUS

1. STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD
2. DISTRICT REHABILITATION OFFICER, AURANGABAD

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Mr A. D. Soman, Advocate for petitioner

Ms P. J. Bharad, A.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 5th December, 2024

PER COURT:

1. The petitioner is resorting to Article 226 of the Constitution of India to take exception to the communication, whereby his request for issuance of Project Affected Person (PAP) Certificate has been turned down on the ground that reason for which the land was acquired, was not for irrigation project of the Government. Same is the stand even in the affidavit-in-reply.

2. However, the Government Resolution dated 21/01/1980 in Clause 2(A) expressly declares that irrespective of whether project of the State Government is covered by the provisions of the Maharashtra

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Resettlement of Project Displaced Persons Act, 1976, priority should be given in appointment to the Class-II and Class-IV posts. Even the Government Resolution dated 25/07/1991 merely mentions that the PAP certificate can be issued only if the projects are as defined under the Maharashtra Project Affected Persons Rehabilitation Act, 1986 (the said Act).

3. When admittedly the land of the petitioner's family was acquired for the agricultural university, it would be covered by the definition of the 'Project' under Section 2(10)(a) of the said Act.

4. In view of the such state of affairs, the stand in the impugned communication and as also in the affidavit-in-reply that the petitioner is not entitled to have a PAP certificate only on the ground that the land was not acquired for any irrigation project, is not sustainable.

5. This writ petition is allowed. The impugned order is quashed and set aside. Respondent No.2/District Rehabilitation Officer, Aurangabad shall consider the petitioner's request afresh and pass a fresh order but shall not reject the request on the ground mentioned in the impugned communication. The decision shall be

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taken as expeditiously as possible and in any case within a period of four weeks.

(PRAFULLA S. KHUBALKAR, J.)

sjk

(MANGESH S. PATIL, J.)