



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

**908 WRIT PETITION NO. 13215 OF 2023
with WRIT PETITION NO. 5173 OF 2022
with WRIT PETITION NO. 5174 OF 2022**

**GAYABAI PANDHRINATH JAGTAP AND OTHERS
VERSUS
STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND ANOTHER**

.....
Advocate for the Petitioner : Mr. Nigam Samir Vinod
AGP for Respondents/State : Mr. V.M. Kagne
.....

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 23rd July, 2024**

PC. :-

1. In all these matters, the Petitioners have put-forth identical prayers. For the sake of brevity, prayer clause-B and C in the first petition is re-produced hereunder:

“B) By Issue of Writ of Mandamus or other appropriate writ quashing the Order in जा.क्र. 2019/पुर्नवसन/कक्ष-3/कावी Dated 13.12.2019 passed by Respondent No.2 against the Petitioner.

C) By Issue of Writ of Direction against Respondents No.1 to 2 to hold a detailed inquiry on merits, consider the Petitioners and their family members for the benefits available to the petitioners as 'Affected person" under the provisions of The Maharashtra Project Affected Persons Act 1999.

AND/OR

Any other appropriate relief which this Hon'ble Court deems fit and proper under law and equity may also be granted to the petitioner against the Respondents.”

2. We have considered the submissions of the learned advocate for the Petitioners and the learned AGP. It is an admitted position that none of these Petitioners have a right or title to any immovable property. Since they do not own and possess any land including agricultural land, there is no question of their land having been acquired for any public project. Their applications for regularization of their encroachments are pending with the State Government.

3. In this backdrop, we have perused the impugned orders passed by the District Collector, vide which, he has referred to the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and has concluded that none of the ingredients required for issuance of a Project Affected Person certificate or for treating the Petitioners as Project Affected, are satisfied. Their request for such certificate has been rejected. We do not find that the said order could be branded as being perverse or erroneous.

4. Considering the law laid down in **Jagpal Singh and Ors. v. State of Punjab and Ors.**; (2011) 11 SCC 396, we would not be issuing any directions to the State Government for regularization of any encroachment. If the

Petitioners approach the State Government, it is for the State Government to deal with the situation.

5. In view of the above, **these Writ Petitions are dismissed.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]