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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO. 13406 OF 2024

MADHAVRAO ALIAS MAHADHU MAROTI AWATIRAK AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.E.S.Potdar, Advocate for the petitioners.
Mr.S.R.Wakale, AGP for the respondent/State.
Mr.T.S.Lodhe h/f Ms.Yogita S.Thorat, Advocate for respondent No.4.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : DECEMBER 9, 2024

PER COURT :

1. Heard both the sides. The petitioners are challenging the decision of the respondent / Rehabilitation Officer dated 13.11.2024, rejecting their application seeking certificate of Project Affected Person (PAP) under the Maharashtra Project Affected Persons Rehabilitation Act, 1999, pursuant to Section 5, only on the ground that the application has been moved after 30 years of publication of a notice u/s 4 of the Land Acquisition Act, 1894.

2. The issue has not been res-integra, in the light of several

Division Bench observations of this Court, expressly pointing out that there is specific provision for making the application within a stipulated time.

3. We, therefore, allow the petition partly, quash and set aside the impugned order and direct respondent No.3 to decide the petitioners' application on its own merits, as expeditiously as possible, and in any case within 6 weeks, but he shall not reject it on the ground mentioned in the impugned order.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)