



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 9800 OF 2024

ANANDA CHOKHOBHA VYAVHARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Potdar Eklavya Sandesh, Advocate for the Petitioner
Mr. N. D. Batule, AGP for Respondent No.1 State
Ms. Yogita Thorat, Advocate for Respondent No.4

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 10th September, 2024

ORDER:

1. Heard the learned Advocates for the respective sides at length and perused the Petition paper-book with their assistance.

2. Petitioner No.1 prays for transfer of the 'Project Affected Person' (PAP) Certificate in favour of Petitioner No.2, who is his son. A solemn statement is made that, no such PAP certificate was sought earlier, much less received, and no such certificate is utilized for the benefit of any nominee or relative of the actually affected person. We make it clear that, if such statement turns out to be false, the Statutory Authority would be at liberty to prosecute Petitioner No.1.

3. The only ground raised by the Respondents is, that a PAP certificate is sought after a passage of 30 years. This issue is no longer

res-integra in view of the judgment dated 29/11/2022, delivered at Aurangabad in Writ Petition No.3027/2022 (Balaji Nivruti Surnar and another vs. State of Maharashtra and another).

4. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 26.08.2024, passed by Respondent No.3, stands quashed and set aside.

5. Since the PAP Certificate stands in the name of Petitioner No.1 and Petitioner No.2 is his biological son, Petitioner No.1 would tender an affidavit to the concerned authority declaring his no objection for transfer of PAP Certificate in the name of Petitioner No.2. After this formality is completed, the Certificate be transferred within a period of 30 days.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan