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

923 WRIT PETITION NO. 10186 OF 2024

SURAJ MANIKRAO PAWAR

VERSUS

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

....

Mr V. S. Panpatte, Advocate for Petitioner

Ms Neha Kamble, A.G.P. for Respondent Nos.1 & 2

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 20th September, 2024

PER COURT:

1. The law on Natural Justice is well settled that, the order, which prejudicially affects the rights of an individual and has detrimental civil consequences, without granting an opportunity of hearing, cannot be sustained. Such action will not stand the test of time in view of the law laid down by the Hon'ble Supreme Court in **Erusian Equipment and Chemicals Ltd. Vs. State of West Bengal and others**, [AIR 1975 SC 266] and **State Bank of India and others Vs. Rajesh Agrawal and others**, [AIR 2023 SC 1859].

(2)

2. The Petitioner submits that the land admeasuring 0.14 Are in Survey No.6/41 has been acquired in 1996-1997. By the impugned order dated 06/09/2024, the Project Affected Person Certificate (PAP Certificate), by which, the Petitioner seeks employment, has been cancelled by virtue of the Government Resolution dated 03/05/2010. Apparently, and even on instructions, conveyed to us by the learned A.G.P., the Petitioner was never heard. The cancellation of the PAP Certificate is likely to jeopardize the chances of his appointment.

3. This Court, at the Principal Seat, has delivered a judgment on 18/10/2010 in Writ Petition No.6291/2010 (**Vijay Pandharinath Aradwad and Another Vs. State of Maharashtra and others**), concluding that the policy that mandates acquisition of more than 0.20 Are land, for issuance of a PAP Certificate, has come into effect from 03/05/2010. The said policy would be applicable prospectively.

4. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 06/09/2024 is quashed and set aside. Since the documents of the Petitioner are being

(3)

scrutinized by the District Collector, Hingoli, we expect the District Collector, to consider the law laid down in Vijay Pandharinath Aradwad (supra), while taking a call on the PAP Certificate of the Petitioner, keeping in view that, his land has been acquired to the extent of 0.14 Are, prior to 03/05/2010, as per the then existing policy.

5. By consent of the parties, the Petitioner would appear before the District Collector, Hingoli on 24/09/2024 at 11:30 a.m. for an opportunity of hearing on his PAP Certificate.

6. We make it clear that, until the decision on the Petitioner's PAP Certificate is arrived at, the appointment which is likely to prejudice the chances of the Petitioner, shall not be made.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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