



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

1020 WRIT PETITION NO. 3173 OF 2022

Dattatraya Digambar Samudre

VERSUS

The State Of Maharashtra And Others

...

Mr. Manoj Dharmaraj Shinde, Advocate for the Petitioner

Mr. S. R. Yadav-Lonikar, AGP for Respondents/State

...

CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : NOVEMBER 11, 2025

P.C.:

1. Rule. Rule made returnable forthwith. With the consent of parties heard finally.

2. The Petitioner contends that the land of the petitioner to the extent of 30 R from Gut No.156 situated at Borgaon, Tq. Kallamb, Dist. Osmanabad has been acquired for Raigavhan Medium Project. The Petitioner further contends that on 16.02.1987 the concerned authority has issued a Project Affected Certificate in favour of the Petitioner. Later on, in order to get employment to the Petitioner's son, the Petitioner requested the authorities to transfer the said Project Affected Certificate in favour of the Petitioner's son. However, by the impugned communication the authorities declined to transfer the said Project Affected Certificate to the Petitioner's son on the ground that there is no

record to show that Project Affected Certificate dated 16.02.1987 has been issued.

3. The learned Advocate for the Petitioner submits that it is not in dispute that the land of the Petitioner has been acquired. It is also not in dispute that certain correspondence *inter se* between Respondent-authority shows that the land of the Petitioner has been acquired for the said project.

4. On the other hand, the learned AGP submits that as the authorities could not trace out the record indicating that the Project Affected Certificate dated 16.02.1987 has been issued, the request of the Petitioner for transferring the same could not be considered.

5. After having heard the learned Advocate for the Petitioner, we are of the considered view that by virtue of the fact that the land of the Petitioner has been acquired and Project Affected Certificate has already been placed on record, this indicates that the Petitioner has got the Project Affected Certificate. The learned AGP however, contends that if the Petitioner submits relevant documents to substantiate issuance of Project Affected Certificate dated 16.02.1987, the same will be considered on its own merit. We, therefore, dispose of this Writ Petition by directing the Petitioner to approach the concerned authority

i.e. Sub Divisional Officer, Kalamb with a request for transferring the said Project Affected Certificate dated 16.02.1987 along with relevant documents as has been sought for.

6. The concerned authority shall consider the request of the petitioner for the transfer of the Project Affected Certificate within a period of six weeks from the date on which the Petitioner would approach the concerned authority, i.e. Sub Divisional Officer, Kalamb.

7. We make it clear that while taking decision, the Sub Divisional Officer, Kalamb shall not reject the claim of the Petitioner on the ground on which the impugned order has been passed.

8. We also make it clear that the petitioner shall co-operate with the authority by submitting relevant documents.

9. With these directions, Writ Petition disposed of.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]