



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

**WRIT PETITION NO.3129 OF 2025**

Nitin Sahebrao Gadve

... **PETITIONER**

**VERSUS**

1. The state of Maharashtra  
through its secretary,  
Revenue and Forest Department,  
Mantralaya Mumbai-32
2. The State of Maharashtra  
through its Secretary,  
General Administration Department  
Mantralaya Mumbai-32
3. The District Collector Collector Office,  
Chh. Sambhajnagar  
Tq. & Dist. Chh. Sambhajnagar
4. The Rehabilitation Officer,  
Rehabilitation Department,  
Collector Office Chh. Sambhajnagar  
Tq. & Dist. Chh. Sambhajnagar

... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. Kulkarni Suvidh S. and  
Mr. Rahul B. Chandanse

AGP for Respondents: Mr. VM. Kagne

...

**CORAM** : **MANGESH S. PATIL &  
PRAFULLA S. KHUBALKAR, JJ.**

**DATE** : **05.03.2025**

**PER COURT:**

The petitioner is challenging the order, whereby, the District Rehabilitation Officer, has refused to issue him a certificate of being a project affected person, dated 09.01.2025.

2. The learned advocate for the petitioner submits that though the petitioner is a nephew of the affected person, whose land was

acquired and would not constitute a member of her family under explanation to Section 6 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 (the Act), there is a certificate demonstrating that he is dependent on the aunt who has only two married daughters and ultimately the responsibility would be on him to maintain her during her lifetime.

3. When admittedly the petitioner does not fall into the definition of 'Family' contained in the explanation to Section 6 of the Act, whether he is otherwise dependent on the affected person is irrelevant. When the legislature in its wisdom has confined the benefit under the Act to limited members of the family with a specific description, someone who is not falling in that description, cannot derive the benefit under the Act irrespective of whether the affected person is maintaining such relation. The word 'dependent' cannot be read in isolation and will have to be read in conjunction with the entire sentence, which would mean that the persons/relations mentioned in the explanation not only to have that relationship but also should be dependent on the affected person. Not someone who is not falling under the category but still is dependent on the affected person, can derive the benefit under the Act.

4 The writ petition is dismissed.

**(PRAFULLA S. KHUBALKAR, J.)**

**(MANGESH S. PATIL, J.)**