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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 13394 OF 2025

Gorakhnath Dattatraya Khadke

VERSUS

The State Of Maharashtra Through District Collector And Another

.....

Mr. Amolkumar S. Wakode, Advocate for Petitioner (absent)

Mr. R.S. Wani, AGP for Respondents

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 11 DECEMBER, 2025

PER COURT :-

1. The learned advocate for the petitioner is absent.

2. The present petition has been filed for following reliefs:

“B) By an Order of this Hon’ble Court kindly, issue a writ of certiorari or orders or directions in the like nature, kindly quash and set aside the impugned communication/order dated 19.08.2025 issued by the respondent No.2 District Rehabilitation Officer, Chhatrapati Sambhajinagar.

C) By an order of this Hon’ble Court kindly, issue a writ of mandamus or orders or directions in the like nature, kindly direct the respondent No.2 to issue the project affected certificate in favour of the petitioner within stipulated period.”

3. The petitioner contends that the lands belonging to his grandfather namely Kishan Rukhmaji Khadke came to be acquired for the purpose of Research Centre. He states that Gut Nos.119, 120, 121, and 122 situated at Aurangabad have been acquired for the Research

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Centre of Vasant Rao Naik Mrathwada Agricultural University, Parbhani. The notification under Section 4 was published on 23.05.1973, and thereafter, the notification under Section 6 read with Section 126 of the M.R.T.P. Act was published on 04.10.1973. The award came to be passed on 10.01.1977. The name of the grandfather of the petitioner had appeared in the award Statement "E" and the compensation was granted. The petitioner then states that his grandfather expired on 10.03.1974 and the other relatives have also expired, whose death certificates have been produced on record. It is then stated that respondent No. 2 had issued a certificate in respect of project-affected persons whose lands were for the same project. Such certificates have been issued on 05.01.2006. The petitioner states that he has secured the certificate of dependency from the competent authority on 30.07.2025 and made application to respondent No.2 for grant of certificate in respect of the project affected person. The similarly situated persons had approached this Court in Writ Petition No.11477 of 2022. By order dated 05.12.2024, this Court set aside the order passed by respondent No.2 and directed respondent No.2 to pass a fresh order. The petitioner's application has been rejected on the ground that the land was acquired for a Research Centre, and not for a percolation tank or for irrigation purposes. The Government Resolution dated 12.09.2002 specifically provides for issuance of certificates only in cases of

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acquisition for percolation tanks. Therefore, such a certificate cannot be issued in the present case.

4. We have heard the learned AGP, who waives notice for both the respondents.

5. Perusal of the order passed by the Coordinate Bench in Writ Petition No.11477 of 2022 dated 05.12.2024, it can be certainly stated that this Court has already taken a view, wherein if the land is acquired for Agricultural University, then it is covered under the definition of the 'project' under Section 2(10)(a) of the The Maharashtra Project Affected Persons Rehabilitation Act, 1999. In that matter also, the issuance of certificate was refused on the ground that the purpose for which the land was acquired has not been the irrigation project of the Government. In order dated 05.12.2024, this Court has observed as under:

“2. However, the Government Resolution dated 21/01/1980 in Clause 2(A) expressly declares that irrespective of whether project of the State Government is covered by the provisions of the Maharashtra Resettlement of Project Displaced Persons Act, 1976, priority should be given in appointment to the Class-II and Class-IV posts. Even the Government Resolution dated 25/07/1991 merely mentions that the PAP certificate can be issued only if the projects are as defined under the Maharashtra Project Affected Persons Rehabilitation Act, 1986 (the said Act).”

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6. It is to be noted that a dependency certificate has been issued by the Additional Tahsildar, Chhatrapati Sambhajinagar, stating that the land belonging to the petitioner's grandfather was acquired for the Fruit Research Centre at Himayat Bagh for Vasantao Naik Marathwada Agricultural University, and therefore, the case is covered under Section 2(10)(a) of the said Act. Under such circumstances, the impugned order deserves to be set aside. Accordingly, it is set aside.

7. We allow the writ petition partly. The impugned order is quashed and set aside. Respondent No.2/District Rehabilitation Officer, Chhatrapati Sambhajinagar shall consider the petitioner's request afresh and pass a fresh order but shall not reject the request on the grounds which was mentioned in the impugned order dated 19.08.2025.

8. The decision shall be taken by respondent No.2 as expeditiously as possible and in any case within a period of four weeks from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE