



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1309/2025

Ramesh s/o. Rama Dhikar

Vs.

State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. S. Khushalani, Advocate for Petitioner.

Mr. N. S. Rao, A.G.P. for Respondent Nos.1 to 3.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI, JJ.

DATED : 05/08/2025.

1. Heard.

2. In the present matter, the land of the petitioner to the extent of 1H 20R was acquired for Percolation Tank. The total land which was acquired for the said project was 6H 51R. As per the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, a person whose land is acquired is entitled to receive Project Affected Persons Certificate, if the total land acquired for the project is 50H or more than 50H. Citing the said provisions, the authorities shown inability to issue such certificate to the petitioner.

3. The learned Counsel for the petitioner has placed reliance upon the judgment of this Court in the case of *Namdeo Tukaram Kuttarwade Vs. State of Maharashtra and Anr.* reported in **2007(5) AIR Bom R 604**, wherein this Court has observed that the Act of 1986 was enacted to consolidate and amend the law relating to rehabilitation of persons affected by certain project in the State of Maharashtra and for the matters connected therewith or

incidental thereto. It is further observed that the petitioner is entitled to receive the certificate as project affected persons on the ground that the land was acquired for public purpose i.e. for village tank.

4. However, this judgment is of no assistance to the petitioner as it does not deal with the relaxation of such condition of having project of 50H or more for issuance of such certificate to the project affected persons.

5. Similarly, in the case of *Vijay Pandharinath Aradwad and Anr. Vs. State of Maharashtra and Ors. [Writ Petition No.6291/2010 decided on 18.10.2010, Aurangabad Bench of Bombay High Court]* against the requirement of 0.20R land, a direction was issued to issue certificate to the petitioner whose land admeasuring 0.15R was acquired. It appears that considering the small difference of 0.05R, this Court had shown leniency in compliance of such condition in the Government Resolution dated 03.05.2010.

6. In the present matter, against the requirement of 50H, the land acquired for Percolation Tank was 6H 51R. In the circumstances, the judgment in the case of *Vijay Pandharinath Aradwad (supra)* will also not come to the rescue of the petitioner.

7. In the circumstance, we do not find any error committed by the authority. Accordingly, the petition is dismissed. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)