



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

WRIT PETITION NO. 1984 OF 2024
Smt. Vacchalabai Wd/o Ramrao Solanke
Vs.

State of Maharashtra through its Secretary, Department of Rehabilitation
and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms. A.M. Raut, Advocate for Petitioner
Mr. A.A. Madiwale, AGP for Respondent Nos.1 and 2
Mr. J.B. Kasat, Advocate for Respondent No.3

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 28th FEBRUARY, 2025

1. It is contended, relying upon language of Section 1(4)(b) of the Maharashtra Project Affected Persons Rehabilitation Act, 1999, that though the land of the petitioner was acquired by the MIDC, the same would not preclude the petitioner from being entitled to be granted a project affected person certificate. A perusal of the language of Section 1(4) (b) indicates, that the Act would also apply to all projects other than irrigation projects specified in clause (a), such as industry including industrial estate etc. the only qualification being that the responsibility to implement the project and to rehabilitate persons would rest upon the concerned

department by entering into agreement with the concerned project authority. The question of an agreement is an issue between the agency for whom the land is acquired and the State and has nothing to do whose land has been acquired. The issue is also covered by the learned Division Bench of this Court in **Manoj Ramkrishna Sahakate Vs. The Collector, Nagpur and others in Writ Petition No.1531/2015**, decided on 16.04.2016, which has been followed in **Ku. Kamini Deepak Khadse Vs. The Collector, Amravati in Writ Petition No.3075/2022**, decided on 16.3.2023, in view of which, we allow the petition by directing the respondent No. 2 to grant project affected person certificate to the petitioner in terms of the policy within a period of three weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)