



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

WRIT PETITION NO. 596 OF 2025

Rajjak Hasan Khallikhau

Vs.

The State of Maharashtra, through its Secretary & Ors.

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

Court's or Judge's orders.

Mr. R.N. Ghuge, Advocate for the Petitioner.

Ms. S.S. Jachak, Additional Government Pleader for Respondent
Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 5th MARCH, 2025.

P.C.

1. Heard.

2. The challenge in this petition is to the impugned order dated January 10, 2025, whereby the District Rehabilitation Officer, Buldhana (respondent herein), has rejected the claim of the petitioner for issuance of a certificate of Project Affected Persons.

3. It is the case of the petitioner that he is the grand son of late Rahemu Gangaram Gawali. The land of Rahemu bearing Survey No.15/1A, area 6.4 R, was acquired for the Ghanwatpur Minor Irrigation Project. A certificate to that effect is already issued by the Competent Authority i.e. the Sub Divisional Officer, Irrigation Sub Division, Mehkar on November 1, 2023.

4. According to Mr. Ghuge, learned counsel appearing for the petitioner not only the said certificate is not considered but the respondent No.3 has proceeded to pass the impugned order and that too by citing fake reasons.

5. Learned Additional Government Pleader Ms. S.S. Jachak submits that she has no instructions in the matter.

6. We have considered the submissions.

7. It appears that the certificate issued by the Sub Divisional Officer, Irrigation Sub Division, Mehkar on November 1, 2023 certifies that the grandfather of the petitioner Rahemu Gangaram Gawali was the owner of the land bearing Survey No.15/1A, out of which, 6.4 R land was acquired for the Ghanwatpur Minor irrigation Project.

8. It is the case of the petitioner that neither his grandfather nor his father sought a certificate of Project Affected Persons. Once it is established that the land of the grandfather of the petitioner was acquired, in view of the Government Resolution dated September 14, 1994, which is still holding the field, the petitioner's claim ought to have been adjudicated accordingly.

9. The order impugned speaks of not only non-application of mind but also suffers from lack of reasons. The reason mentioned therein speaks of that the petitioner has not complied with the requirement; however, which requirement the petitioner failed to comply with is not

specified.

10. That being so, the impugned order dated January 10, 2025 is hereby quashed and set aside.

11. We permit the petitioner to appear before the respondent No.3 - District Rehabilitation Officer, Buldhana on March, 24, 2025.

12. We direct the said Authority to decide the claim of the petitioner within a period of ten weeks from the date of the appearance of the petitioner.

13. The petition stands partly allowed in the above terms. No order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Vijay