



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

WRIT PETITION NO.7186 OF 2024

[Shankar Tukaram Eppar **..vs..** The State of Maharashtra and Others]

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

Court's or Judge's order

Shri. S. V. Kuptekar, Advocate for Petitioner (through V. C.)
Ms. T. H. Khan, AGP for Respondents/State.

**CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.**

DATE : 24th FEBRUARY, 2026.

. Heard.

2. The petitioner is the owner of land bearing Gat No. 169, admeasuring 8 hectares and 20 R. After partition, land admeasuring 1 hectare 35 R, which came in the share of petitioner, out of which the respondents acquired 0.18 R for Small Irrigation Project in the year 2008.

3. After the death of petitioner's son, Dinkar, in the year 2021, the land i.e. 79 R came in the share of petitioner's grandson and therefore, on 30.03.2023, he applied for issuance of a Project Affected Person certificate in the name of his grandson, Ramprasad Dinkar Eppar. The same was denied by respondent No.3 *vide* impugned order dated 06.09.2023.

4. The reason for rejection of the petitioner's request was non-fulfilment of the requirements prescribed under the Government Resolution dated 03.05.2010, which was in force at the relevant time. As per the said Government Resolution, a Project Affected Person certificate can be issued only if a minimum land to the extent of 20 R is acquired for the project.

5. Admittedly, in the present case, the land acquired is only 0.18 R and accordingly, the application for issuance of the Project Affected Person certificate was rejected.

6. In the present petition, there is no challenge to the said Government Resolution dated 03.05.2010 and in absence of any such challenge, there is no illegality committed by the respondent No.3 in rejecting the petitioner's application, for issuance of the Project Affected Person certificate in the name of his grandson Ramprasad, as the land acquired is below the minimum requirement of 20R.

7. The learned counsel for petitioner, however, placed much reliance on the Government Resolution dated 29.01.2025, which has come into effect after rejection of the petitioner's application. According to the learned counsel for petitioner, as per the said Government Resolution dated 29.01.2025, there is no minimum limit prescribed as regards the acquisition of land for issuance of Project Affected Person certificate. It is argued that the earlier Government Resolution dated 03.05.2010 has been superseded by this Government Resolution dated 29.01.2025.

8. However, the fact remains that the petitioner's application for issuance of a Project Affected Person certificate was decided in accordance with the policy prevailing at the relevant time. The Government Resolution dated 29.01.2025 came into force subsequent to the impugned decision. Accordingly, as there is no error committed by respondent No.3 in rejecting the petitioner's application dated 30.03.2023, the present writ petition is dismissed.

9. However, considering that the subsequent Government Resolution dated 29.01.2025 has superseded the earlier Government Resolution dated 03.05.2010, liberty is granted to the petitioner to file a fresh application, if he so desires, in accordance with the policy contained in the Government Resolution dated 29.01.2025. If such an application is submitted to the respondent No.3, the same shall be decided within eight weeks from the date of its submission.

10. The petition is, accordingly, disposed of in above referred terms.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)