

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1159 OF 2001

Madhukar Ramrao Patil and Others .. Petitioners

Versus

The State of Maharashtra and Others .. Respondents

Mr.R.R.Mantri, Advocate for the petitioner.

Mr.P.P.More, AGP for the respondent/State.

Mr.

**CORAM : A.V.NIRGUDE &
A.M.BADAR, JJ.**

DATED : 11.06.2015

P.C. :-

1. There are five petitioners in this petition. Earlier their grievance was that they were not allotted house as per the Government Policy. They say that they resided in village Mudgad Ekoji which was affected by earthquake in 1993. For some time the petition was opposed. The respondent-State took a stand that the petitioners were not entitled to benefit as per their criteria. Ultimately the respondent state come with a case that except petitioner No.4, all other petitioners are entitled to a house and as such house were allotted to them. We are not inclined to go into controversy as to whether they are entitled to one type of house or the

other. The respondent took a stand that the petitioner No.4 is not at all entitled to house, because he did not fulfill the criteria. The learned counsel for the petitioners took exception to this vacillation in the stand of the respondent-State. He says that the State is taking different stand at different time and therefore his client i.e. petitioner No.4 should also be given benefit of allotment of a house. We are unable to agree with this submission. The State's consistent stand through recent affidavits is that petitioner No. 4 is not entitled to allotment of a house. But we are disposing of this petition by issuing direction to respondent No.3 Additional Collector, Earthquake Rehabilitation, Latur or equivalent officer to examine the case of respondent No.4 and decide about his entitlement by a reasoned order. The decision shall be taken within a period of three months. The writ petition accordingly stands disposed of.

[A.M.BADAR, J]

[A.V.NIRGUDE, J]