

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

WP No. 261 of 2014
Ramesh v. 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 A. Syed, Advocate for petitioner
 Ms K. S. Joshi, AGP for respdt no.1
 Mr Mangesh Bute, Adv for respdts 2 & 3

CORAM : B. P. DHARMADHIKARI AND
 A. P. BHANGALE , JJ

DATED : 9th January 2015

1. Heard learned counsel for the parties.
2. List of villagers found eligible for grant of assistance under "Indira Aawas Yojna" was finalized in the year 2008 and cheques are being distributed even today as per that list. The petitioner claims that he is included in list of Below Poverty Line (BPL) persons of village Rajanda in the year 2002 itself and as such, he is eligible for grant of said benefit. Learned counsel also invites attention to the fact that in list of beneficiaries as finalized by Gram Sabha on 3.12.2002, name of petitioner has been mentioned at sr. no. 61 with remarks that at the relevant time, he was out of station. When petitioner did not receive the cheque, cause of action accrued and hence, present writ petition has been filed.
3. Advocate Bute submits that list prepared in

2008 was published inviting objections and in that list, it was shown that the petitioner was not residing at village Rajanda. Petitioner did not object to it and hence, cheque has not been issued to the petitioner. Learned Assistant Government Pleader submits that finalization of said list in the year 2008 is being questioned in this writ petition which is filed after more than five years.

4. It is seen that name of petitioner is included in list of BPL persons in the year 2002 for village Rajanda. List finalized by Gram Sabha and published provisionally as per resolution dated 3.12.2008 shows that against name of petitioner remark in vernacular is “BAHER GAWI”. The remark does not mean that petitioner is not resident of village Rajanda. It can at the most be inferred that at the relevant time he was not available at village Rajanda as he was out of station.

5. However, the petitioner has not clearly spelt out what is the cause of action and when he became aware of the fact that he was held not eligible for getting benefit under the said scheme.

6. Respondents have not pointed out that after 2008, any other list has been prepared.

7. In this situation, interest of justice can be met with by permitting petitioner to make appropriate representation to respondent no. 2 Chief Executive Officer. If such representation is made within three weeks from today, respondent no. 2 shall consider the

case of petitioner in accordance with law within next four weeks. If necessary, opportunity of hearing shall be given to petitioner.

8. With this direction and keeping all rival contentions open, we dispose of petition. No costs.

JUDGE

JUDGE

joshi

