

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

932 WRIT PETITION NO.11907 OF 2014

SYED NAZEER ALI SYED MEHMOOD ALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :
Mrs.Bharaswadkar Kalpalata Patil.
AGP for Respondents/State: Mr.S.B.
Yawalkar.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: AUGUST 02, 2016

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Heard the learned Counsel for the petitioner and the learned AGP appearing for the respondents – State. Though the learned Counsel for the petitioner tried to convince this Court on the merits of the matter, we are not inclined to entertain this writ petition for the simple reason that the petitioner's father died in the year, 1959. According to the learned Counsel for the petitioner, the Government Resolution was issued in the year, 1984 and by virtue of issuance of the said Government Resolution, the petitioner's mother

became entitled for the family pension. However, upon perusal of the pleadings in the petition and the documents placed on record, it appears that there is no single reason assigned except that the petitioner's mother got knowledge of the issuance of such Government Resolution belatedly. Even, that reason has not been stated in the application which was filed to the Collector on 17th November, 2007 by the mother of the petitioner. Therefore, even if the contention of the learned Counsel for the petitioner is considered that the Government Resolution was issued in the year, 1984 and therefore, only after 1984, the petitioner's mother became entitled for family pension from the year, 1984, the delay on the part of the petitioner in approaching the Collector only in the year, 2007 remained unexplained. *Prima facie*, the claim of the petitioner is stale and such claim cannot be brought by filing writ petition. This petition is also likely to give rise to disputed questions of facts.

2. Therefore, if the petitioner is advised so, he can take recourse to an appropriate remedy available in civil law. However, we are not inclined to entertain

this writ petition.

3. Hence, the writ petition stands rejected.

(SANGITRAO S. PATIL, J) (S.S. SHINDE, J)

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