

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

WRIT PETITION NO. 6951/2015.

Lalita Chandrabhan Ramteke

-VERSUS-

State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : **B.P. DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **APRIL 02, 2016.**

Heard Shri G.D. Asole, learned Counsel for
the petitioner and Mrs. M.S. Naik, learned A.G.P. for
respondents.

2. Impugned communication dated
20.08.2015, shows that when survey was undertaken
at Mouza Pimpri on 5th June and 7th December, the
family or petitioner or her husband were not found
staying there. It is mentioned that at that time
husband of petitioner was staying at Mohadi, and he
was staying there since 2001.

3. Petitioner has pointed out that her
husband was serving in Police Department and
because of his service, he was required to stay in

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Lakhni Tahsil.

4. The fact that had petitioner or her husband being found staying at Pimpri during survey, they would have been eligible for rehabilitation in accordance with Government Policy, is not in dispute. Respondents have filed reply-affidavit and along with it they have placed on record copy of property register at Mouza Pimpri. There property no.254 is shown registered in the name of deceased husband of petitioner. However, against it there is a remark “राहत नाही” (not staying).

5. Because of this remark, respondents have found petitioner not entitled to rehabilitation. Shri Asole, learned Counsel appearing on behalf of the petitioner submits that under rehabilitation scheme at alternate site, plot is provided by government.

6. Chandrabhan, husband of petitioner, then in police service, has expired and therefore, petitioner is now required to go back to her native place. She has therefore, claimed benefit of rehabilitation scheme.

7. Neither the petitioner nor the respondents have produced the scheme as such for perusal of the Court, but, in the above facts merely because

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Chandrabhan or his family members were not staying in the native place, the benefits of the welfare measure cannot be denied. We cannot record a conclusive finding in this connection as rehabilitation policy as such, has not been produced before us. In any case, there is no challenge to the said policy. Hence, merely because on account service Chandrabhan was staying away from Pimpri, it cannot be used as a ground to deny his widow and other family members the benefit of rehabilitation scheme. However, we direct the respondent Collector, Bhandara to examine this aspect and thereafter take a suitable decision in accordance with the provisions of the Scheme. Petitioner shall appear before the Collector for this purpose on 25.05.2016. The said Authority shall within next three months try to resolve the dispute.

8. With liberty to petitioner to approach again, if her grievance is not redressed and leaving all rival contentions open, we dispose of the present Writ Petition, with no order as to costs.

JUDGE

JUDGE

Rgd.