

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

918 WRIT PETITION NO.10866 OF 2014

HIRAMAN BANSI RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Ajay G. Talhar, Advocate, for petitioner.

Shri. S.B. Joshi, Assistant Government Pleader,
for respondent Nos.1 to 3.

Shri. P.N. Kutti, Advocate, for respondent No.4.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 8 March 2017

ORDER:

1) The petition is filed for giving direction to the respondents to make allotment of one plot to the petitioner as he is Government servant working in Forests Department and he is handicapped person. He has claimed benefit of Government Resolution dated 25-7-2007 saying that whenever Government makes allotment of its land to institution/society for residential purpose, Government needs to take care and see that in

the said society there are 3% members who are handicapped persons. Thus, only after making such provision by the society, the Government is expected to make allotment of the land to the society. The submissions made show that the respondent-society came into existence in the year 1981 and it was on forest land. Reply affidavit filed by the liquidator of the said society shows that the purpose of the society was served and the plot which the petitioner wants was forfeited by the Government and is taken over by the Government.

2) It appears that representation of the petitioner was rejected under some misconception by referring other Government Resolution which is Government Resolution dated 12 July 2011 which is in respect of Gairan land. The purpose behind that Government Resolution is totally different and the case of the present petitioner does not fall under that Government Resolution and the authorities could have referred the first

Government Resolution which the petitioner is relying i.e. the Government Resolution of the year 2007.

3) Learned counsel for the petitioner took this Court through Rule 28 of the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971. This rule is also altogether different and this rule has no connection whatsoever with the Government Resolution of the year 2007. This Court holds that there is misconception in the mind of the petitioner. As the society was established in the year 1981, the Government Resolution of the year 2007 could not have been made applicable as against that society. Further, the purpose of the society is over and the plot which was available on forest land came to be forfeited and it is with the Government. In view of these circumstances no direction can be given to the respondent-society or to other respondents to allot the said plot to the petitioner. The petition stands dismissed. If the petitioner

feels that he is entitled to get other plot he is at liberty to make such application. liberty is there to the petitioner to seek benefit of the Government Resolution of the year 2007 but not in respect of the present property.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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