

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

SECOND APPEAL NO.607/2017

Prakash s/o Ambadas Ladhe ..vs.. State of Maharashtra through Collector,
Yavatmal 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. Awchat, Advocate for appellant.
Mr. Lule, A.G.P. for respondent nos. 1 to 3.
Mr. Chawhan, Advocate for respondent no.4.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 22, 2017

1. Heard Mr. Awchat, learned counsel for the appellant in extenso. The present appeal is filed against the concurrent finding of facts recorded by both the courts below by which the suit for declaration and injunction is dismissed by both the courts below.

2. The State Government has floated a scheme namely; "Karmaveer Dadasaheb Gaikwad Sablikaram Wa Swabhimani Yojna" for providing agricultural land for cultivation to the landless persons belonging to the Scheduled Castes and the persons who are Below Poverty Level and they are entitled for providing 50% loan and 50% subsidy.

3. The basic condition for getting the benefit of the said scheme is that the person must be Scheduled Caste, Below Poverty Level and Landless person. There is

no dispute that the appellant belongs to the Scheduled Caste. The defendant no.4 also belongs to the same caste. It is also not in dispute that both, plaintiff and defendant no.4 belong to the Below Poverty Level. However, hitch lies in case of the present appellant that he is not landless person, which is one of the conditions for getting benefit.

4. Mr. Awchat, learned counsel for the appellant submits that since he is residing separately from his family members, he is a landless person.

5. I am afraid that such a submission could be accepted on the face value of Exh.-63, the 7/12 extract of the land which is standing in the name of the present appellant along with his parents. Both the Courts below have rightly considered this aspect that the appellant is not a landless person and therefore both the Courts have rightly rejected the claim by dismissing the suit. No substantial question of law is involved in the present appeal. The appeal is therefore rejected. No order as to costs.

JUDGE