

(1)

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

WRIT PETITION NO.770 OF 2019

Shaikh Haji Ibrahim Sultan Maniyar,
Age: 93 years, Occu: Freedom Fighter,
R/o Newasa (Kh), Tq. Newasa,
Dist. Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Nashik Division, Nashik
3. The District Collector,
Ahmednagar, Dist. Ahmednagar
4. The Sub Divisional Officer,
Nagar Division, Tq. Nagar,
Dist. Ahmednagar
5. The Tahsildar,
Tahsil Office, Newasa,
Tq. Newasa, Dist. Ahmednagar

..RESPONDENTS

Mr R. R. Karpe, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 27th February, 2019

ORAL ORDER:

Heard Mr Karpe, learned Counsel appearing on behalf of the
petitioner.

(2)

2. Considering the nature of grievance raised in the petition and considering the fact that the petitioner, who is in his advanced age of life i.e. the petitioner is of 93 years of age, we are inclined to dispose of the petition at the admission stage.

3. The documents placed on record show that a certificate issued in favour of the petitioner by the State Government that the petitioner is participant in the freedom movement. As such, it can safely be stated that the petitioner is a freedom fighter. Our attention is invited to a copy of the Government decision dated 19th October, 1987 to submit that the petitioner is one of the beneficiaries, who is receiving freedom fighter's pension under the scheme of the Government. Then a copy of proforma application is also placed on record at Exh.'B' to submit that the same is submitted to the Circle Officer, Newasa and though the petitioner initially prayed for allotment of land in the area, namely, Mouje Handi Nimgaon, subsequently, the petitioner due to his personal difficulties prayed for allotment of land in the area of village Belpandhari, Tq. Newasa.

4. The documents placed on record further show that the proforma proposal is also submitted to the Sub Divisional Officer and the revenue authorities recorded statement of the petitioner. The petitioner was awaiting for decision on his proposal and as there was no response, he approached the

(3)

Tahsildar raising a grievance in 'Lokshahi Din'. Certain documents which are placed on record further show that response was sought from the Executive Engineer and the Tahsildar (Revenue) from the office of the Collector, Ahmednagar and the office of Divisional Commissioner, Nashik forwarded a communication to the office of the District Collector, Ahmednagar requesting the District Collector, Ahmednagar to respond to the application submitted by the petitioner to the office of Divisional Commissioner on 31st August, 2017. A copy of the communication is also forwarded to the petitioner. It seems that thereafter there is no further progress in the matter.

5. Considering the peculiar facts as stated above and considering the age of the petitioner, the petition is disposed of with directions to the District Collector, Ahmednagar to take decision on the application of the petitioner, as early as possible and not later than four weeks from toady. If the Collector is of a positive opinion and in case there is requirement of an approval or a decision by the Divisional Commissioner, Nashik for allotment of land to the petitioner, the District Collector, Ahmednagar to submit proposal with his positive recommendations to the Divisional Commissioner, Nashik. Respondent No.2 - Divisional Commissioner, Nashik, then on receiving such proposal from the Collector, to pass appropriate orders, as early as possible and not later than three weeks from the date of receipt of the proposal from the District Collector, Ahmednagar.

(4)

With the aforesaid directions/observations, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk