

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.409 OF 2019
IN
WRIT PETITION NO.5109 OF 2017

1. Shaikh Galib Shaikh Vahid
Age : 50 years, Occu. : Labour,
R/o : Premnagar, Village Nagad,
Tq. Kannad, Dist. Aurangabad
2. Shaikh Shakilabee Shaikh Ramjan,
Age : 45 years, Occu. : Labour,
R/o : Premnagar, Village Nagad,
Tq. Kannad, Dist. Aurangabad
3. Shaikh Hasan Shaikh Isak,
Age : 55 years, Occu. : Labour,
R/o : Premnagar, Village Nagad,
Tq. Kannad, Dist. Aurangabad
4. Pathan Shabir Pathan Isak,
Age : 52 yrs., Occu. : Labour,
R/o : Premnagar, Village Nagad,
Tq. Kannad, Dist. Aurangabad . . . PETITIONERS

VERSUS

1. Shri.Ashok Shirse,
Age : Major, Occu. : Service,
The Project Officer,
District Rural Development Committee,
Aurangabad
2. Shri.Vijay Pardeshi,
Age : Major, Occu. : Service,
The Block Development Officer,
(Grade-1), Panchayat Samiti,
Kannad, Dist. Aurangabad . . . RESPONDENTS

Mr. Suresh P. Salgar, Advocate for the petitioners
Mr. S.N. Deshmukh, Advocate for respondent Nos.1 and 2

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 4th NOVEMBER, 2019

PER COURT :

By detailed order dated 29th August, 2019, respondent Nos.1 and 2 were directed to file additional affidavit-in-reply on a subsisting grievance in respect of petitioner No.4 only.

2. Mr.S.N.Deshmukh, learned counsel appearing for respondent Nos.1 and 2 invited our attention to the documents namely communication dated 19th September, 2019 addressed to him by Block Development Officer, Panchayat Samiti, Kannad and a tabular statement under caption "Beneficiary Details". The said documents are taken on record and marked as "X" collectively for the purpose of identification.

3. We were more than surprised to see that petitioner No.4, who had raised a grievance before this Court that in-spite of his claim and complying with the necessary formalities, his name is not included in the list of beneficiaries for allotment of house under the scheme known as "Pradhanmantri Avas Yojana Gramin".

4. The documents placed on record clearly show that the application was submitted by petitioner No.4 through online process in the year 2016-2017 itself. Petitioner No.4 was allotted registration No.MH2378494.

Not only the registration number was allotted to petitioner No.4 but he was one of the beneficiaries to whom the house was allotted which was constructed in phase-wise manner. The tabular statement under the caption "Beneficiary Details" clearly shows the name of petitioner No.4, his bank details, installment in phase-wise for the years 2016-2017, 2017-2018 and 2018-2019. There are photographs of petitioner No.4 on completion of each phase, such as the plinth level, lintel level, roof casting and ultimately, completion of the work on 7th August, 2018. On completion of work, petitioner No.4's photograph standing in-front of the house is also part of the tabular statement, referred to above. The said tabular statement clearly shows that the construction of the house was completed on 7th August, 2018.

5. In-spite of above facts, contempt petition was filed in this Court on 4th June, 2019. Least we say that there was no reason for petitioner No.4 to approach this Court when he was beneficiary of the Scheme and construction of the house allotted to him was completed in August, 2018. However, all these facts were not brought to the notice of this Court and the Court was to carry an impression as if petitioner No.4 though was entitled for certain benefits, was deprived of such benefits. This impression was nothing but the one created for non presenting clear and correct picture before this Court.

6. In view of the above referred facts, nothing

survives in this contempt petition and the same is accordingly disposed of.

[ANIL S. KILOR]
JUDGE

[PRASANNA B. VARALE]
JUDGE

npj/CP409-2019