

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 9151 OF 2014

Smt. Gayabai wd/o Bhimrao Barve
Age 65 years, Occu. Household,
R/o. At post Pimpala (Lokhande)
Tq. Purna, Dist. Parbhani.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary Revenue and
Forest Department,
Mantralaya, Mumbai and ors. **....Respondents.**

Mr. V.D. Salunke, Advocate for petitioner.

Mr. A.B. Chate, AGP for respondent Nos. 1 to 3.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**
DATED : 15/01/2019

ORDER :

1. The petition is filed for relief of directions to respondents to allot residential plot to the petitioner on the ground that she is widow of ex-defence personnel. Heard both the sides.

2. This Court has gone through the policy prepared by the State Government for the benefit of ex-servicemen and it is in G.R. dated 30.12.1971. It is as under :-

**"CATEGORIES OF PERSONS ENTITLED TO GRANT OF
LAND**

In the context of the recent conflict with Pakistan, Government has reviewed the present policy of grant of Government land for cultivation to members of the armed forces or their families. Government considers that the outstanding contribution made by the members of the armed forces for the defence of the country should be recognised by the grant of land for cultivation and for residential purposes in rural areas to the families of the members of the armed forces and the Border Security Forces from Maharashtra State who have either died or such personnel who have been wounded, disabled or have received, awards for gallantry in the recent Ind-Pakistan conflict"

It is not contended by the petitioner that her husband was covered by any of the aforesaid categories. She is relying on some certificates issued by superior officer of her deceased husband showing that he had discharged the duty properly, but even that certificate does not show that the deceased was covered by any of the aforesaid categories. It was routine certificate issued by any superior officer and in view of the aforesaid categories, their ought to have been the record to show that he was covered by any one of the aforesaid categories.

3. Reliance is placed on another G.R. dated 29.11.2002 of the State Government and it shows that policy decision was taken to see that Committee is constituted to redress the grievance of the ex-servicemen. There is also another G.R. with regard to policy of the Government to make available land for cooperative society of ex-servicemen. Thus, there is no policy of the State Government to consider individual case like the present one of the widow.

4. The learned counsel for petitioner placed reliance on the order made by this Court on **5.8.2014** in **Writ Petition No. 9653/2013 [Smt. Indira Babaji Jadhav Vs. The State of Maharashtra and Anr.]** at Principal Seat in favour of widow. The facts mentioned in the decision show that the claimant was widow and her husband had died in 1965 Indo-Pakistan war when he was on front due to explosion which took place due to mines on 27.10.1965. Thus, the case referred was covered by one of the categories of aforesaid G.R.

5. The learned counsel for petitioner submitted that there is record like opinion given by the revenue officers to the effect that some portion of the land is available which can be given. Only due to such record, this Court cannot give direction of allotment unless there is specific policy of the State Government. When there is

policy, there is also the procedure to make scrutiny of the claims and that is not possible in the case like present one. This Court cannot create such precedent by making such order in favour of the petitioner. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/