

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8150 OF 2018

The State of Maharashtra
through the Additional Chief
Secretary & Ors.

.. Petitioners

Vs.

Shri Mohan Baburao Todkar & Anr.

.. Respondents

Mr.N.K.Rajpurohit, AGP for petitioners.

Mr.V.V. Marne, Advocate for respondent Nos.1 and 2.

**CORAM : B.R. GAVAI &
N.J. JAMADAR, JJ.**

DATE : 20th FEBRUARY 2019

P.C.

1 The petition challenges the order dated 19th July 2017 passed by Maharashtra Administrative Tribunal, in Original Application No.483 of 2016 thereby allowing the original application filed by the applicants who are respondents herein.

2 The facts are quite peculiar in the present petition. It is stated in the petition that respondent No.2, being the family member of respondent No.1, and on the basis of Government Resolutions and Police department Circular, is entitled to get transfer of the police quarter in her name which was in the name of respondent No.1.

3 Shri Rajpurohit, the learned AGP appearing for the petitioners vehemently submitted that the Tribunal has committed an error in appreciating the term “Members of family” in its correct perspective. As per law, only son or unmarried or divorcee daughter are entitled to retain the quarter. The applicant No.1, (respondent No.2) is the daughter-in-law of applicant No.1 (respondent No.1) and as such is not entitled to retain the said police quarter.

4 The scope of interference by this Court in an order of the Tribunal, while exercising extraordinary jurisdiction under Article 226, is very limited. Unless it is found that the view taken by the Tribunal is either perverse or impossible, no interference is warranted. We find that the learned Member of the Tribunal has rightly held that the applicant No.1 is entitled to retain the quarter since she is very much entitled to allotment of the police quarter in the same building. No perversity found in the order passed by the Tribunal. Hence, the same requires no interference.

5 The Writ Petition is rejected.

[N.J. JAMADAR, J.]

[B.R. GAVAI, J.]