

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

WRIT PETITION NO.1639 OF 2014

**MOHD. VAJIR PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

None for the Petitioner.

AGP for the Respondents 1 to 3 / State : Shri S.S. Dande

...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 21st October, 2021

Per Court :-

1. Inspite of a pass over, none amongst the three advocates representing the petitioner, is present.

2. The petitioner has put forth prayer clauses B and C as under :-

“B. The respondent No.2 may kindly be directed to decide the representation dated 16.11.2013 filed by petitioner before him within stipulated period i.e. Annex-C.”

C. The respondent No.3 may kindly be directed to pay the amount of “Lalya Rog” amounting to Rs.16,000/-.”

3. The application dated 16.11.2013, which finds mention in prayer clause B, indicates the contention of the

petitioner that his father was entitled to compensation of Rs.8000/- in view of “Lalya” disease affecting his crops in 2011-2012 and for which, the Talathi, Thergaon, Taluka Paithan, District Aurangabad has received the cheque of Rs.8,000/- to be paid to the deceased father of the petitioner. The said amount was not paid. Again similar amount was received by the Talathi for the financial year 2012-2013 for the similar “Lalya” disease affecting the crops of the petitioner’s father. Yet, the Talathi did not disburse the said amount to his father. Now his father has passed away.

4. In view of the above, we do not find any purpose in directing the petitioner to approach respondent No.2 for a decision on the said application, as we can take care of the controversy vide this order. As such, we are dealing with prayer clause C.

5. As the petitioner’s father passed away, he has acquired a heirship certificate from the Village Panchayat, Thergaon, Taluka Paithan indicating that there were 08 sons born to the deceased father of the petitioner including the petitioner. One son, whose name is mentioned at Sr.No.8 as Babulal Vajir Pathan aged 50 years, has passed away.

6. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) Respondent No.2 shall investigate as to whether, any such amounts of Rs.8000/- for the financial years 2011-2012 and 2012-2013 were received by respondent No.3 so as to be paid to the father of the petitioner.

(b) If such amounts were received as per the record of the Revenue Department, respondent No.2 shall monitor the payment of such amounts along with interest at the rate of 6% per annum from the year 2013 onwards, to the petitioner subject to affidavits/ no objections to be filed by all his surviving brothers and the legal heirs of the deceased Babulal Vajir Pathan.

(c) If such affidavits/ no objections are not filed, all these parties shall appear before respondent No.2 so as to enable respondent No.2 to disburse the said amounts equally amongst the 08 sons of the deceased Vajir Mannubhai Pathan.

(d) Needless to state, the share of Babulal Vajir Pathan would then be disbursed to his legal heirs.

(e) We expect such exercise to be completed as expeditiously as possible and preferably on or before 31.03.2022.

(f) In the event of any dispute amongst these brothers,

the proportionate share of the petitioner may be paid to him and rest of the amount shall be preserved until the dispute between rest of the siblings and legal heirs of Babulal Vajir Pathan, is legally concluded.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)