

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

**WRIT PETITION NO.8719 OF 2022
DEVIDAS TEJA CHAVAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioners : Shri Patil Nileshsingh J.
AGP for the Respondents/State : Shri P.S. Patil

...
**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 11th November, 2022

Per Court :-

1. The petitioners are a married couple, whose son Santosh Chavan was rendered martyr while in action in the Naxal infested area. His widow, who is around 25 years of age and who has two minor male children, is respondent No.4 before us.

2. The petitioners have approached the Sub Divisional Officer, Vasmata, by preferring the proceeding on 07.04.2022 for seeking a share of Rs.10,000/- out of the monthly martyr pension of Rs.35,000/-, towards their expenses. Even in this petition, both have stated that 60% of the monthly martyr pension be paid to the widow to take care of herself and her two minor children. The petitioners pray for 40% share. This claim was before the

Sub Divisional Officer, who has passed an order. The petitioners are unable to tell the Court as regards the date of the order. However, it is conveyed that the petitioners have not been granted any financial assistance and hence, they intend to challenge the said order.

3. Be that as it may, the petitioners pray that their representation dated 20.06.2022 addressed to the District Collector seeking 40% of the share, be directed to be decided on its merits.

4. We are unable to accept such request for the reason that the petitioners have already commenced the litigation process. They have to travel through the said litigation journey. By issuing a direction to the District Collector, as sought by the petitioners, we would be opening up a new litigation process parallel to the one, which is already initiated by the petitioners.

5. In view of the above, this Writ Petition is dismissed.

6. Needless to state, the petitioners are at liberty to assail the order of the Sub Divisional Officer by following the procedure as is prescribed in law.