

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3180 of 2022

Gaurishankar Natthuji Dongare and 54 others.

vs.

Union of India, through Secretary, Rural Development Panchayat Raj Deptt., New Delhi and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.B.Kasat, Advocate for petitioners.

Shri N.S.Deshpande, Assistant Solicitor General of India for respondent no.1.

Shri D. P. Thakre, Additional Government Pleader for respondent nos. 2 and 3.

Shri Shaikh Majid, Advocate for respondent nos. 4 to 6.

Shri A.K.Neware, Advocate for respondent no.7.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- AUGUST 11, 2022

P.C.

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioners are the residents of Gram Panchayat, Murti, Taluka Katol, District Nagpur. They are seeking accomodation under the *Pradhan Mantri Awas Yojna - Gramin* (for short, the said Scheme) which is being implemented by the respondent nos. 1 and 2. It is the case of the petitioners that on 15.02.2018 Gram Panchayat, Murti has passed a resolution and has approved the names of 190 villagers for inclusion of their names as beneficiaries under the said Scheme. In the documents uploaded by the Block Development Officer it has been stated that the applications of the villagers for being considered as beneficiaries under the said Scheme have been rejected on the ground that they were having their own landline phone. Being aggrieved, the petitioners have approached this Court in the present writ petition.

After notice was issued, the respondent no.7- Bharat Sanchar Nigam Limited (BSNL) has filed affidavit of its Assistant General Manager (Administration) in which it has been stated that none of the villagers/beneficiaries have any telephone connection and there is no Telephone Exchange at village Murti, Taluka-Katol, District Nagpur.

In view of this affidavit it is clear that the rejection of the applications of the petitioners for being considered as beneficiaries under the said Scheme is incorrect. Since none of the petitioners have their own landline phone, their applications are liable to be re-considered under the said Scheme.

In view of aforesaid, the following order is passed:

- (i) The rejection of the claim of each petitioner as indicated by the Block Development Officer is set aside.
- (ii) The respondent nos. 4 to 6 shall re-process the petitioners' claim for being considered as beneficiaries under the said Scheme in the light of the fact that they do not own any landline telephone.
- (iii) The respondent nos. 1 to 3 shall thereafter ensure that all necessary steps are taken to consider the claim of the petitioners. Entire exercise shall be carried out as expeditiously as possible and preferably within three months from today in accordance with law.

Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)