

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

WRIT PETITION NO. 4603 OF 2021

Namdeo Mukinda Salunke	..	Petitioner
Versus		
Ministry of Rural Development		
Government of India and others	..	Respondents

Shri Amol B. Chalak, Advocate for the Petitioner.
Shri B. M. Dhanure, Advocate for the Respondent No. 1.
Shri S. B. Pulkundwar, A.G.P. for the Respondent Nos. 2 to 4.
Shri Ashok Tapse, Advocate h/f Shri P. D. Suryawanshi,
Advocate for Respondent Nos. 5 and 6.

AND

WRIT PETITION NO. 4645 OF 2021

Uttareshwar Ambadas Salunke	..	Petitioner
Versus		
Ministry of Rural Development		
Government of India and others	..	Respondents

Shri Amol B. Chalak, Advocate for the Petitioner.
Shri Amol N. Patale, Advocate for the Respondent No. 1.
Shri P. K. Lakhotiya, A.G.P. for the Respondent Nos. 2 to 4.
Shri Ashok Tapse, Advocate h/f Shri P. D. Suryawanshi,
Advocate for Respondent No. 5.
Shri R. T. Deshmukh, Advocate for the Respondent No. 6.

AND

WRIT PETITION NO. 4672 OF 2021

Dilip Pandit Ingale	..	Petitioner
Versus		
Ministry of Rural Development		
Government of India and others	..	Respondents

Shri Amol B. Chalak, Advocate for the Petitioner.
Shri B. M. Dhanure, Advocate for the Respondent No. 1.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 2 to 4.
 Shri Ashok Tapse, Advocate h/f Shri P. D. Suryawanshi,
 Advocate for Respondent No. 5.
 Shri R. T. Deshmukh, Advocate for the Respondent No. 6.

AND
WRIT PETITION NO. 4673 OF 2021

Arjun Narhari Yadav	.. Petitioner
Versus	
Ministry of Rural Development	
Government of India and others	.. Respondents

Shri Amol B. Chalak, Advocate for the Petitioner.
 Shri B. M. Dhanure, Advocate for the Respondent No. 1.
 Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 2 to 4.
 Shri Ashok Tapse, Advocate h/f Shri P. D. Suryawanshi,
 Advocate for Respondent No. 5.
 Shri R. T. Deshmukh, Advocate for the Respondent No. 6.

AND
WRIT PETITION NO. 4676 OF 2021

Fulchand Baburao Salunke	.. Petitioner
Versus	
Ministry of Rural Development	
Government of India and others	.. Respondents

Shri Amol B. Chalak, Advocate for the Petitioner.
 Shri R. R. Bangar, Advocate for the Respondent No. 1.
 Shri S. B. Pulkundwar, A.G.P. for the Respondent Nos. 2 to 4.

CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 21ST MARCH, 2023.

FINAL ORDER :

. Challenge in the petitions is to the communication dated
 30th December, 2020 issued by the Block Development Officer,

Panchayat Samiti, Kaij, whereby selection of the petitioners under the Pradhan Mantri Awaas Yojana – Gramin (PMAY-G) Scheme came to be cancelled on the ground that the petitioners exceed the existing income limit and the petitioners are owners of the houses.

2. As far as aforesaid claim is concerned, learned counsel for the petitioners submits that once the committee has scrutinized the applications and noticed that the petitioners are not owning any houses and their income is within the prescribed limits, the benefit extended by the order selecting them for the benefit of the said PMAY-G scheme is required to be given. According to him, even today also there is no material available on record to infer that the income of the petitioners exceeds prescribed limit and they are owners of alternate houses.

3. Learned counsel for respondents have sought to support the claim based on the communication dated 30th August, 2021 and the report submitted by the Gram Sevak showing existence of RCC structure in the name of the petitioners.

4. We have looked into the aforesaid submissions.

5. The petitioners have through rejoinder denied the aforesaid claim of the respondents.

6. Fact remains that officially petitioners were selected for the benefit to be extended under the PMAY-G scheme, however,

same was cancelled for two reasons (a) that their income exceed prescribed limit and (b) that they are owners of pakka houses. So as to substantiate said contention, we are not having convincing record to that effect produced by the respondents.

7. In the aforesaid background, we direct the respondent No. 4/Collector Beed to look into the matter of selection of persons like the petitioners and may pass appropriate reasoned order in the matter.

8. Let the Collector complete all these formalities within a period of six (06) weeks from today. We direct the Chief Executive Officer and Officers subordinate to him to immediately approach the respondent No. 4/Collector Beed and submit record. The respondent No. 4 shall conduct an enquiry qua the persons to be selected under the PMAY-G scheme. Petitions accordingly stand disposed of with liberty to the petitioners to approach afresh in case order of the Collector is adverse to their interest.

9. Needless to clarify that before passing any order in the matter petitioners be given an opportunity of hearing.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23