

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7723 OF 2022**

THOMAS JOSEPH SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Mukund D. Gitte, Advocate for the Petitioner.
Mr. V. M. Kagne, AGP for Respondents-State.

...
**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.
DATE : 10th JULY, 2023.**

PER COURT:-

1. On 21.06.2023, though we could have dismissed the petition since it was bereft of pleadings, we granted an opportunity to the petitioner by passing the following order:-

“1. After spending more than twenty minutes in hearing this matter, we find that Rule 11(5)(1)(iii) read with Rule 11(5) of the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971, dis-entitles an Ex-Army man, whose gross annual income exceeds Rs. 35,000/-, from grant of land.

2. Since the Petitioner has not mentioned his gross pension that he is receiving ever since he has retired from the Indian Navy, we direct the Petitioner to place on record the monthly pension slip/documents for the last six months, in order to enable us to assess whether he has a right to receive a parcel of land being an Ex-Serviceman. Let such affidavit be filed on or before 05th July, 2023.

3. List this petition on 10.07.2023 for passing orders.”

2. The petitioner has not filed an affidavit as directed.

3. The learned Advocate for the petitioner submits that the petitioner has taken away his power and file and has informed him that he should not appear as he is engaging a new Advocate.

No Advocate in place of the Advocate on record, has appeared before us today.

4. It is, therefore, quite obvious that the petitioner intends to postpone the hearing in this matter. Such tactics cannot be tolerated.

5. **This petition is, therefore, dismissed in default.**

(Y. G. KHOBRAGADE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE