

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9015 OF 2022
NIRMALABAI MADHAVRAO KALKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

**WRIT PETITION NO.9017 OF 2022
SURYANKANT LAHU ADKUTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

**WRIT PETITION NO.9019 OF 2022
DEVIDAS RAMJI SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

...

Mr. Vaibhav B. Dhage, Advocate for the Petitioners.
Mr. S. G. Sangle, AGP for Respondents-State.

...

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 29th MARCH, 2023.**

P.C:-

1. Since the issue involved in these three writ petitions is identical, the same are disposed of by a common order.
2. The petitioners, the legal heirs of the deceased persons are claiming ex-gratia payment as has been provided as per the Government policy reflected in Government Resolutions dated 13th May, 2015 and 4th October, 2017.
3. It is urged by the petitioners that their husbands have died because of shock due to the lightning or the accident which they suffered because of lightning, which is covered vide aforesaid

Government Resolutions. According to the petitioners, they have approached the respondent-Tahsildar, who is the competent authority to decide the claim for ex-gratia payment to be made to the legal heirs of the deceased persons. So as to substantiate the claims, the petitioners have relied on the postmortem report and the death certificates alongwith the application moved to the respondent-Tahsildar.

4. It is the case of the petitioners that till this date the claims are not decided.

5. Learned A.G.P. Mr. Sangle would oppose the claims, as according to him the claims of the petitioners cannot satisfy the requirements under the aforesaid Government Resolutions.

6. Be that as it may. It was expected of the respondent-Tahsildar to decide the claims of the petitioners in light of the policy reflected in the aforesaid Government Resolutions. Instead taking a decision in the matter, it appears that the Tahsildar has sat over the matter.

7. In view of the above, we direct the respondent-Tahsildar to pass reasoned order deciding the claims of the petitioners as regards their entitlement for the compensation as has been provided in the aforesaid Government Resolutions. We expect the Tahsildar to communicate the aforesaid order to the respondents in any case within a period of six months from the date of communication of this order.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE