

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

WRIT PETITION NO.14508 OF 2023

KAILASH GURU SHEWALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Ms A. S. Madake, Advocate for Petitioner

Mr. A. B. Girase, Government Pleader for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 28.11.2023

PER COURT :-

1. The Petitioner has put forth prayer clauses (B), (C) and (D), as under:-

“(B) By issuing Writ of Mandamus or any other Writ, order in the like nature, the Respondent authorities may kindly be directed to decide the Applications dated 06/06/2003, 07/06/2003, 31/07/2003, 25/09/2003, 05/11/2003, 05/10/2010 and 31/07/2014 submitted by the Petitioner to the Respondent authorities requesting for allocation of an additional plot in his family’s favour as they are Project Affected Persons and for that purpose issue necessary order;

(C) By issuing Writ of Mandamus or any other Writ, order in the like nature, the Respondent authorities may kindly be directed to allocate an additional plot in favour of the Petitioner’s family and for that purpose issue necessary order;

(D) Pending hearing and final disposal of this Writ Petition the Respondent authorities may kindly be directed to allocate an additional plot in favour of the Petitioner’s family and for that purpose issue necessary order.”

2. We have considered the strenuous submissions of the learned Advocate for the Petitioner. It is undisputed that the Petitioner is praying for a large sized plot in addition to the plot which is received by his father, who is a project affected person, as a part of the rehabilitation programme. Since the family is quite large, the Petitioner prays for a Writ of Mandamus that a large plot be allotted to the Petitioner.

3. The learned Government Pleader submits that the Government is pushing the policy of having small families. Several amendments to various statute books have been introduced to ensure that smaller families are maintained by the persons who seek benefits under the Government schemes or employment in public sector. Accepting the prayer that a large plot be allotted, because the family is large, would be counter productive to the policy of the Government.

4. In view of the above, we do not find any merit in the claim of the Petitioner and **this Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS