



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 14537 OF 2023

DAGADUBA PANDURANG PAWAR

VERSUS

STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Nigam Samir Vinod
AGP for Respondents 1 to 3/State : Mr. S.K. Tambe

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 22nd January, 2024

Per Court :-

1. On 14.12.2023, we had passed the following order:-
 - “1. Leave to add the Zilla Parishad, Latur, as a party Respondent. Addition be carried out forthwith. Leave to privately serve Respondent No.4.
 2. This is a Petition, which is an example of abuse of the process of law.
 3. The Petitioner has tendered a typed copy of a purported inspection report dated 07.04.2011, signed by the Extension Officer and the Block Development Officer of the Panchayat Samiti, Jalkot, wherein the house of the Petitioner has been inspected and it's existence is admitted. The dimensions of the house are also admitted.
 4. The Petitioner has prayed that he should receive financial support under the 'Pradhan Mantri Awas Yojana' for land and building a dwelling house on such land. It is quite conspicuous that the copy of the scheme is not placed on record. Even in the pleadings, any particular clause enshrined in the said Pradhan Mantri Awas Yojana, is not pleaded or contended. A

typed copy of a priority list prepared by the Grampanchayat, Malhipparga of taluka Jalkot, is placed before us and insofar as Grampanchayat Malhipparga is concerned, the Petitioner's name is typed at Serial No.1.

5. *On account of lack of pleadings and as the Petition is bereft of details, we could have dismissed this Petition. However, considering that the Petitioner is a 70 years old person, we granted a pass over to enable the learned Advocate to get a copy of the "Pradhan Mantri Awas Yojana Gramin". The print out from the website (2 pages) is taken on record and marked as "X-1" for identification. Having gone through the scheme, the Petitioner needs to make a statement as to whether he is willing to take a loan upto Rs.70,000/- from a financial institution. So also, the Petitioner needs to state on an affidavit as to whether the household is without an adult member between 16 to 59 years of age, or without any able bodied member, whether there is any agricultural land in the name of the Petitioner or members of his household, whether the children of the Petitioner are in employment or run any business. The Petitioner shall furnish the bank account number with the details of the bank.*
6. *We direct the Petitioner to tender an additional affidavit in order to furnish the details as set out in the foregoing paragraph, on or before 12.01.2024.*
7. *List this Petition in the 'urgent orders' category, on 22.01.2024."*

2. The Petitioner has tendered the additional affidavit dated 19.01.2023 in which, he has stated as under:-

- (a) He is not willing to take any loan of Rs.70,000/- from any financial institution.

(b) His son Madhav is a casual labourer in Pune and does not reside with the Petitioner.

(c) The Petitioner's three daughters are married and staying in their marital homes.

(d) The Petitioner has land admeasuring 67.34 R in Gat No.447, 70 R in Gat No.462 and 61 R in Gat No.478. Only Gat No.478 is said to be cultivable.

(e) His annual income is Rs.60,000/-.

3. The learned Advocate for the Petitioner tenders a photostat copy of the communication dated 07.08.2023 received from the Block Development Officer, Panchayat Samiti, Jalkot. The same is marked as "X-1" for identification. Vide the said communication, the Petitioner is informed that his name is at Sr.No.1 in the eligible list and he would be getting the "Gharkul" (home) under the Pradhanmantri Awas Yojana (Gramin) as soon as the funds for the financial year 2022-2023 are received.

4. In view of the above statement, **this Writ Petition is disposed off.**