



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1752 OF 2025

Faimidabi Syd. Gulab, Aged 58 years, Occ: Household,
R/o Near Z.P. Marathi School, Malegaon, Tq. Malegaon,
District Washim.

PETITIONER

VERSUS

1. State of Maharashtra, Through Hon'ble State Minister, Ministry of Revenue and Forest Department, Mantralaya, Mumbai.
2. Divisional Commissioner, Amravati, Tq. and Dist. Amravati (M.S.).
3. District Welfare Committee, Washim, Through its Chairman, District Collector, Washim, Collector Office, Washim, Tq. and Dist. Washim (M.S.).

RESPONDENTS

Shri V.R. Deshpande, counsel for the petitioner.
Shri S.C. Joshi, Assistant Government Pleader for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : MARCH 16, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. The petitioner has assailed the orders passed by the Divisional Commissioner as well as the State Government rejecting the petitioner's claim for allotment of land by invoking the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, 'the Act of 1995').

3. By claiming herself to be a person with disability, the petitioner filed an application on 05.12.2008 before the Tahsildar, Malegaon for grant of land by invoking the provisions of the Act of 1995. An enquiry

was conducted on the basis of the petitioner's application and the matter was considered by the District Welfare Committee, Washim (for short, 'the Committee') which is authorized to take a decision about grant of Government land to the eligible persons with disability on the basis of decided criteria. After considering the petitioner's application, the Committee recorded its observations in the report dated 08.06.2011 that the family of the petitioner is financially sound and by considering the provisions of the Government Resolution dated 06.08.2008 which requires priority to be given to the BPL beneficiaries, the Committee noted that the petitioner is not entitled for getting the benefit of the said Government Resolution for grant of land. The petitioner challenged the decision of the Committee by filing an appeal under Section 257 of the Maharashtra Land Revenue Code, 1966 before the Divisional Commissioner. The appeal came to be dismissed by an order dated 03.08.2018. Thereafter, the petitioner challenged the order by filing a revision before the respondent no.1-State Government which also came to be rejected by order dated 10.06.2024. The petitioner has challenged these orders by way of instant petition.

4. The learned counsel for the petitioner submitted that the impugned orders are passed by the Authorities without considering the entitlement of the petitioner, who is a person with disability. He also submitted that the Committee has wrongly inferred that the petitioner's husband was getting pension after his retirement from the services of Maharashtra State Road Transport Corporation. He therefore submitted that by ignoring the fact that the employees of MSRTC do not get pension, the Committee

rejected the claim of the petitioner. Despite demonstrating that the petitioner's husband was not getting any pension, both the Authorities rejected the petitioner's claim by observing that the petitioner's financial condition is sound because of availability of funds of retiral benefits as received by her husband. He also submitted that the house property considered by the Authorities belong to the four brothers of the petitioner's husband and therefore the inferences drawn by the Authorities are without any basis.

5. As against this, the learned Assistant Government Pleader for the respondents vehemently opposed the petition and justified the impugned orders. It is submitted that the Authorities have given due consideration to all the relevant aspects required to be considered by the Government Resolution dated 06.08.2008 and there is no perversity in the impugned orders.

6. While considering the controversy, it has to be noted that the petitioner's claim for grant of land was initially considered by the Committee which has scrutinized the application and decided the claim on the basis of enquiry conducted by the Tahsildar. Pertinent to note, the Committee has categorically recorded that the family of the petitioner is financially sound and not a BPL beneficiary. Although the petitioner has pointed out that her husband does not get pension, however it has to be noted that the petitioner's family has sound financial position in view of the retiral benefits received by her husband. The Committee as well as both the Authorities have also given due consideration to the fact that the

petitioner's family owns a residential property in their name and based on the material available before them, rejected the petitioner's application.

7. It has to be noted that the entitlement of a person for grant of land under the Act of 1995 has to be decided by a Committee constituted in accordance with the Act of 1995. The Committee is empowered to take decision on the basis of necessary enquiry and by considering relevant factors. The decision of the Committee can be subjected to scrutiny by way of an appeal and revision before the Additional Commissioner and the State Government respectively. Thus, there is a mechanism provided to decide the entitlement of a person for grant of land under the provisions of the Act of 1995. In absence of any concrete material establishing any gross illegality in the decision of these Authorities, no interference is warranted based on the bare submissions of requirement of land. In the instant case, although the petitioner has raised the claim for entitlement of grant of land, however considering the reasons recorded by the Authorities, it is clear that the claim was duly considered and negated by the Authorities.

8. Having given anxious consideration to the reasoning recorded by the Committee as well as the respondent nos.1 and 2, I do not find any perversity in the reasons recorded by the Authorities. Further, no case is made out by the petitioner showing her entitlement to claim the benefits based on the Government Resolution dated 06.08.2008.

9. For all these reasons, no interference with the impugned orders is required under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE