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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3661 OF 2024

Smt.Aakriti Singh Sood

... Petitioner

*Versus*

The State of Maharashtra & Ors.

... Respondents

Mr.Ashutosh Kumbhakoni, Sr.Advocate i/b Ms.Sneha S. Bhange for the  
Petitioner

Ms.P.J.Gavhane, A.G.P. for the State

**CORAM:** G. S. KULKARNI &  
FIRDOSH P. POONIWALLA, JJ.  
**DATED:** 14<sup>th</sup> March, 2024

**P.C.**

1. The petitioner is the widow of late Martyr Maj. Anuj Sood, who at a young age of 30 years, sacrificed his life for the country and laid down his life on 2<sup>nd</sup> May 2020, while extracting civilian hostages from terrorist hideouts. In recognition of his act of extra-ordinary bravery, he was awarded "Shourya Chakra" by the President of India, effective from 29<sup>th</sup> April 2020.
2. The case of the petitioner is that, on the basis of the documents which are placed on record, Martyr Maj. Anuj Sood belongs to Maharashtra. He always intended to settle in Maharashtra. To that effect, documents are placed on record, of even, the family having a house in Maharashtra. The petitioner has contended that her husband having sacrificed his life for the country, he was entitled to the benefits under the Policy of the State Government as contained in the G.R. dated 2<sup>nd</sup> August 2019 (Exhibit 'P' at page 82) and G.R. dated 4<sup>th</sup> October 2000. However, by the impugned communication dated 26<sup>th</sup> August 2020, at page 70, such benefit has been denied to the petitioner on

the ground that Martyr Maj. Anuj Sood was not eligible for the claim as he was not fulfilling the condition of being born in the State of Maharashtra or residing in the State of Maharashtra, for the last 15 years. The impugned decision is placed on record, which is required to be noted, and which reads thus:

**GOVERNMENT OF MAHARASHTRA**

*Department of Sainik Welfare  
Maharashtra State Reged Building"  
Opp. National War Memorial,  
Solapur Road, Ghorpadi, Pune 411001*

Tele: 020-71002629

E Mail: [resettle.dsw@maharashtra.gov](mailto:resettle.dsw@maharashtra.gov)

**REGISTERED BY POST**

Date: 26 Aug 2020

No 16202/Misc/DSW-161577

To,

21 RR (Guards)  
PIN-934521  
C/O 56 APO

*Subject: FORWARDING OF DOCUMENTS FOR GRANT OF EX-GRATIA RELIEF  
FROM MAHARASHTRA GOVERNMENT*

1. Refer to your letter No 21148/A1 dt 02 Jun 2020.
2. It is submitted for your Information that the ex-servicemen and their family members who are domiciles of this State by birth are eligible to avail the benefits of various schemes for the serving/ex-servicemen declared by the State Government. The ex-servicemen who have migrated to this State are not entitled for such benefits unless and until they prove that they are residing in the State continuously for the last 15 years excluding service period. It is not enough to be resident of Maharashtra at the time of grant of award.
3. On scrutiny of documents received by this office vide above letter, it is observed that dependents of Martyr Major Anuj Sood are not eligible for subject claim as per conditions mentioned in para 2 above. In this connection a copy of General Administrative Department, Mantralaya, Mumbai letter No Sallarvi-1000/2727/28 dt 24 Nov 2000 alongwith its connected letters and letter No Sankdrn-2001/kendra10 /pra.kra.112/2001/28 dt. 09 Jun 2003 is sent for your information please.
4. The documents received vide your letter under reference are returned herewith.

*Lt Col R R Jadhav (Retd.)  
Dy. Director (Admin)  
for Director*

*Encls: As stated above*

Copy to:

*Zilla Sainik Welfare Office  
Zilla Sainik Welfare Office  
Opp, Divisional Commissioner Office  
New Administrative Building  
4 Floor, Pune-411001”*

3. We have perused G.R. dated 4<sup>th</sup> October 2000. Respondent No.4 has rejected the petitioner’s application for not fulfilling the conditions as contained in paragraph 5, which read thus:

(official translation)

*“5) In this matter, the Director, Soldier Welfare Department, Pune shall implement this Order immediately and shall verify the eligibility of the beneficiaries carefully. The meaning of the term Officers / Jawans from Maharashtra who have died or have become disabled in a war / in an encounter means the Officers / Jawans who are born in Maharashtra or the Officers / Jawans who have stayed in Maharashtra continuously for last minimum 15 years and who have received Domicile Certificate.”*

4. The contention, as urged on behalf of the petitioner, is that in the peculiar facts of the case, Respondent No.4 could have taken an informed decision, and, more particularly, when the documents were replete with the intention of Martyr Maj. Anuj Sood to permanently reside in the State of Maharashtra. It is, therefore, the petitioner’s contention that Clause 5 (Supra) could not have been read in the manner as applied by respondent no.4 in taking the impugned decision, and, that, in the facts of the case, when the petitioner’s husband has sacrificed his life, and there being substantial material available, to show that he always intended to reside in Pune (Maharashtra), due consideration to that effect was warranted.

5. Having heard the learned counsel for the parties, considering the peculiar facts of the case and without the case being treated as a precedent, as a special case, we are of the opinion that an appropriate decision is required to be taken at the highest level. It is rightly suggested to us that the appropriate decision can only be taken by Respondent No.1.
6. We, accordingly, request respondent no.1 to consider the peculiar facts of the case and take an appropriate decision in the present case on or before the returnable date.
7. The learned G.P. is requested to place the decision of respondent no.1 on the record of this court on the adjourned date of hearing.
8. Stand over to **28<sup>th</sup> March 2024, High on Board.**
9. Parties to act on an authenticated copy of this order.

**(FIRDOSH P. POONIWALLA, J.)**

**(G. S. KULKARNI, J.)**