

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL St.No.28241 OF 2012

Sadashiv Ragho Kolambe and others Appellants

Versus

Biram Asmsa Tadvī and others Respondents

Mr.V.T. Chaudhari advocate for the applicants

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 3rd JULY, 2015.

PER COURT :-

1 The appellants are objecting to the order passed by the Maharashtra Revenue Tribunal, confirming the order of the Tahsildar, in respect of restoration of the lands. The order of the Tribunal is questioned on the ground that, the caste certificate issued by the competent authority, was not sent for verification to the caste scrutiny committee. It is observed by the learned single Judge in the order that, in fact the order in respect of validation of caste certificate has attained finality, in view of decision rendered by the Commissioner in Appeal No.422/85. It must be noted that, before Judgment delivered by Honourable Supreme Court, in the matter of **Madhuri Patil Versus Commissioner, Tribal**

Development reported in 1994 Vol.6 SCC 421, the appellate forum of Divisional Commissioner was provided for consideration of the grievances, relating to the caste certificate. The decision of the appellate forum delivered before the constitution of the scrutiny committee, in accordance with the decision of Madhuri Patil's, case shall have to be considered as valid.

2 In view of this legal position, the view taken by the learned single Judge cannot be said to be erroneous. Even otherwise, there is no substance in the LPA and same stands dismissed.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd