

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

WRIT PETITION NO. 11092 OF 2014

Umakant Siddheshwar Swami .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sushant C. Yeramwar, Advocate for the Petitioner.
Shri P. N. Mule, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 19TH JANUARY, 2015.

PER COURT :

. The validation proceedings are not yet decided. The learned counsel for the petitioner states that, the Committee has not given any finding on fraud or misrepresentation. The petitioner does not possess old document prior to 1950. In the light of that, the petitioner is entitled for the protection.

2. In view of the judgment of the Full Bench of this Court, the issue involved in the present writ petition is no longer *res-integra*. The Committee will have to decide validation proceedings finally.

3. As the proceedings are still pending, it is for the committee to decide the genuineness of the proceedings and the claim made by the petitioner. In the light of that, at present the prayer of the petitioner cannot be entertained.

4. In the light of above, the issue is now no longer *res-integra*. The petitioner cannot be given protection unless his claim is decided by the Scrutiny Committee and the judgment to that extent in the case of **A. P. Ramtekkar Vs. Union of India and others** reported in **2013(2) Mh.L.J. 419** is partly overruled. As far as protection claimed by the petitioner during pendency of validation proceeding is concerned, at present no such apprehension is spelt out. In case during pendency of validation proceedings some coercive steps are tried to be undertaken by the respondent/employer, the petitioner would have every right to agitate the same. The writ petition accordingly is disposed of. Needless to state that, after decision of the Committee, the petitioner has right to assail said judgment and seek further reliefs as are permissible in law. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15