

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

53 WRIT PETITION NO. 5713 OF 2013
WITH

WRIT PETITION NO.5798/2013

SHAIKH HAFIZ HYDER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Nagargoje Ankush N. and
Mr. Shermale K. N.

AGP for Respondents State: Mr. P. S. Patil
Advocate for Respondent No.3 : Mr. R. A. Tambe

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 25th July, 2016

ORDER:

1. Heard learned counsel for the respective parties.

2. The petitioner is objecting to the validation certificate issued in favour of respondent No.3 (Sultan Fattu Chougule and Kadar Fattu Chougule) by the scrutiny committee. The petitioner alleges that the committee has relied upon certain document namely the Nikahanama of the year 1935 which, according to the petitioner, is not a genuine document.

3. We have perused the order passed by the Scrutiny Committee. The Scrutiny Committee has taken into

consideration the aforesaid document of the year 1935 together with other record. The order passed by the Scrutiny Committee is reasoned one. The petitioner has not placed any material before us to *prima facie* derive an inference that any of the documents on which reliance is placed by respondent No.3 is fraudulent or that respondent No.3 has misrepresented the Scrutiny Committee in arriving at the conclusion.

4. Reliance is placed on the judgment in the matter of **Devram Vs. State of Maharashtra** reported in **2014 (4) Mh.L.J. 626**. In para 15 of the judgment, the Division Bench has observed that one who alleges fraud and/or misrepresentation including the complainant, shall be required to place on record any supporting material to justify his defence/ objection. The petitioner has not placed any material on record to substantiate his contention that the order passed by the Scrutiny Committee is an out come of the evidence or document placed on record which is *prima faice* fraudulent or that Committee has been misrepresented by the concerned respondent. Merely because the petitioner expresses doubt as regards material produced by the concerned respondent for substantiating his claim before the Scrutiny Committee is not enough for

directing re-enquiry into the matter. The petitions are devoid of substance and stand dismissed.

5. Both the writ petitions are disposed of.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC