

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12340 OF 2017

Swadesh Santosh Sable

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A. G. P. for the Respondents.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **10th October, 2017**

PER COURT :

1. The tribe claim of the petitioner was referred to the committee for verification. The committee has cancelled the tribe certificate on the ground that S.D.O. Jalna did not have the territorial jurisdiction to issue the said certificate.

2. Mr. Vibhute, learned counsel submits that grandfather of the petitioner had shifted to Jalna. The father of the petitioner is already issued with the tribe certificate of 'Koli Mahadev', scheduled tribe by Tahsildar Jalna in the year-1991. Only on the ground that some forefathers of the petitioner were residing at Kharadgaon the committee has passed the impugned order.

3. Mr. Pulkundwar, learned A. G. P. supports the order and submits that the forefathers of the petitioner were permanent resident of Kharadgaon, Taluka- Shevgaon. In view of that the order is rightly passed.

4. We have considered the submissions.

5. It is nowhere denied that the grandfather of the petitioner had shifted to Jalna and since then is resident of Jalna. The father of the petitioner is also permanent resident of Jalna and is serving in Jalna. The father of the petitioner had already been issued with the tribe certificate by Tahsildar Jalna in the year-1991. The petitioner has been issued with the tribe certificate by S.D.O. Jalna in the year-2007. It would appear that the family of the petitioner is permanent resident of Jalna and more particularly even father of the petitioner has been issued with the tribe certificate by Tahsildar Jalna way back in the year-1991. In view of that the committee ought to have decided the matter on merits. As it appears that since the days of his grandfather the family of the petitioner is resident of Jalna.

6. Considering the above, the impugned order is quashed and set aside. The committee shall decide the validation proceeding in respect of the tribe claim of the petitioner afresh, on its own merits, in accordance with law, expeditiously and preferably within 9 months and shall not reject it on the ground that S.D.O.

Jalna did not have the territorial jurisdiction.

7. The writ petition is accordingly disposed of with aforesaid observations. No costs.

[S. M. GAVHANE, J.] [S. V. GANGAPURWALA, J.]

marathe/oct.17