

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

WRIT PETITION NO. 3049 OF 2018

Parshuram Laxman Yesalwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for Petitioners.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND MARCH, 2018.

FINAL ORDER :

. Issue notice to respondents. The learned Addl. G. P. waives notice for respondent Nos. 1 to 3.

2. Mr. Vibhute, the learned counsel submits that, the Sub Divisional Officer, Nanded has issued the tribe certificate in favour of the petitioner after perusing the tribe certificate issued in favour of the father of the petitioner. The Committee cancelled and confiscated the tribe certificate of the petitioner on the ground of territorial jurisdiction. The learned counsel submits that, father of the petitioner is issued with the tribe certificate by the Tahsildar, Umarkhed. In view of Rule 5(2)(b) of the

Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules, 2003 (for short "Said Rules"), the Sub Divisional Officer of the place where the petitioner has migrated is entitled to issue the tribe certificate.

3. We have also heard the learned Additional Government Pleader for respondent Nos. 1 to 3.

4. It appears that, father of the petitioner is issued with the tribe certificate. In view of the Rule 5(2)(b) of the said Rules, the Sub Divisional Officer, Nanded could have issued the tribe certificate to the petitioner who has migrated to Nanded.

5. In the light of above, we pass following order.

ORDER

- I. The impugned order is quashed and set aside.
- II. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner on its own merits and in accordance with law expeditiously and preferably within a period of eight (08) months from today.
- III. The writ petition stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 18