

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

**WRIT PETITION NO. 6404 OF 2016
WITH WP/6407/2016**

**SAYYAD RASUL MEHABOOSAB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.S.S.Bora, Advocate for the petitioner
Mr.K.N.Lokhande, AGP for the respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 11.09.2018**

P.C. :-

The caste claim of the petitioner as belonging to Chapperband VJ (Vimukta Jati) has been invalidated. Aggrieved thereby present petition.

2. Mr.Bora, learned Advocate for the petitioner submits that the committee has discarded all the documents only on the ground that they are of recent origin. There is not a single contra evidence on record. The learned counsel submits that the documents at Sr.No. 9 i.e. the Lavni Patrak Gav Namuna No.6 of the year 1955 records caste as Chapperband. The learned counsel submits that during the pendency of the Writ Petition, the petitioner could lay his hand on two old documents of Survey No.12 and 13. The owner is the grandfather of the petitioner Mr. Wahed Diwansab. The caste is recorded as Chapperband. The another document is the Bataipatra of 14.05.1950, wherein the caste of the grandfather of

the petitioner is recorded as Chapperband. The petitioner could get these documents only during the pendency of the Writ Petition.

3. We have considered the judgment. The Committee could not find any contra document on record. During the pendency of the Writ Petition, the petitioner has produced copies of the two documents, (1) Bataipatra in favour of Wahidkhan Diwansab, wherein his caste is recorded as Chapperband. The document is dated 14.05.1950. The petitioner claims that the said Wahid is his grandfather. The another document is Pahani patrak of Survey No.12 and 13 of the year 1950-51, wherein it is stated that the caste is recorded as Chapperband. The original documents are in Urdu, the translations are placed on record. It is for the committee to consider the genuineness of the said documents. Naturally vigilance will have to be conducted to verify the genuineness of the said documents.

4. Considering the above, we are inclined to grant one opportunity to the petitioner.

5. In the result the parties are relegated before the committee. The impugned orders are quashed and set aside. The petitioner shall appear before the committee on 01.10.2018. The petitioners are at liberty to file the additional evidence. The committee, if it desires may conduct vigilance of the said documents and thereafter decide the proceeding afresh preferably within six months from the date of appearance of

petitioner.

6. The Writ Petition is disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]