

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

WRIT PETITION NO. 11075 OF 2018

GANESH MADHUKAR SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Rohit S. Sarvadnya
Government Pleader for Respondent No.1 : Mr. pA. B. Girase
Advocate for Respondent No.3 : Mr. K. D. Khade
Advocate for Respondent No.4 : Mr. Anand P. Bhandari
Advocate for Respondent No.5 : Mr. Rajendra G. Hange

...
**CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATED : 5th DECEMBER, 2018

Order :-

Heard. We have carefully perused pleadings and annexures thereto and reply filed by respective respondents, in particular, the reply filed by respondent No.5.

2. It is the contention of learned counsel appearing for the petitioners that, the certificate obtained by respondent No.5 from the competent authority i.e. respondent No.2 – Tahsildar is placed on record at Page No. 91, which is annexed to the affidavit in-reply filed by respondent No.5, is obtained by fraud. Such contention cannot gone into, while exercising writ jurisdiction. Such contentions raises disputed question of facts.

3. In that view of the matter, we are not inclined to entertain such contentions. However, in case the petitioners come under the category of aggrieved persons, they are at liberty to challenge such certificate, if an alternate remedy is available. It is for the petitioners to avail of the same. The writ petition stands rejected.

[K. K. SONAWANE, J.]

[S. S. SHINDE, J.]