

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2299 OF 2018

JITENDRA BHARATLAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner :
Mr. Patil Vijay B.
AGP for Respondents No. 1 & 2 :
Mrs. V. N. Patil Jadhav
Advocate for Respondent No. 3 :
Mr. Mahesh S. Deshmukh

...

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 11th FEBRUARY, 2019

PER COURT :

1. We have heard Mr. Patil, learned Advocate for the petitioner and Mr. Deshmukh, learned Advocate for respondent no. 3.

2. According to the learned Advocate for the petitioner, the petitioner is challenging the validity issued in favour of respondent no. 3. He has also filed an objection to the validity issued with the scrutiny committee on 22.11.2017.

According to the learned Advocate for the petitioner, no cognizance is taken on it by the scrutiny committee.

3. Once the validity is issued by the scrutiny committee, the scrutiny committee can re-open the proceedings only on the ground of fraud. The petitioner has raised some objection. The scrutiny committee may call upon the respondent herein to file his say to the said objection and shall first consider whether *prima facie* ground of fraud is made out and take decision upon application / objection filed by the petitioner (Page No. 31) after hearing all parties concerned.

4. Writ Petition accordingly stands disposed of.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

marathe