

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3613 OF 2018

MAROTI BANDU REKULWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Vibhute Sunil M.

AGP for Respondents No. 1 to 5 :

Mr. P. S. Patil

Advocate for Respondent No. 6 :

Mr. C. V. Dharurkar

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CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.

DATE: 04th NOVEMBER, 2019

PER COURT:

1. Amongst the various submissions made by Mr. Vibhute, learned counsel for the petitioner, one of the submission is that the petitioner could not get proper opportunity to finally argue the matter before the committee and seeks an opportunity.

2. According to Mr. Patil, the learned Additional Government Pleader for respondents no. 1 to 5 and Mr. Dharurkar, learned counsel for

respondent no. 6, ample opportunity was given to the petitioner. From time to time the petitioner remained absent. In fact, the petitioner was prolonging the matter on one or the other ground. On 28.03.2018 the petitioner directed the Block Development Officer, Panchayat Samiti, Mahur to convene the meeting on 31.03.2018 i.e. the date kept for hearing before the committee. The petitioner has been granted ample opportunity. There are documents on record to suggest that the petitioner does not belong to Mannervarlu, Scheduled Tribe. The sale deed is also referred by the respondents executed by the father of the petitioner.

3. Though submissions have been made on various aspects of the matter by the learned counsel for the respective parties, we are not inclined to go in to the merits of the same. One of the contention of the petitioner is that the petitioner is not given opportunity to finally argue the matter. It appears from the record that time to time the matter was adjourned at the

request of the petitioner. It is not that on a solitary date adjournment was sought and the matter was not adjourned. The impugned judgment also records the dates on which the matter was adjourned at the request of the petitioner. The petitioners Advocate use to remain present and adjournments were sought. On 28.03.2018, it is the petitioner who had directed the Block Development Officer to call for the meeting on 31.03.2018.

4. It appears that the petitioner was protracting the matter on one or the other grounds. However, considering that the matter pertains to the social status of the petitioner we are inclined to grant one more opportunity to the petitioner to argue the matter finally before the committee, however, the petitioner deserves to be mulct with heavy costs.

5. The impugned order is quashed and set aside on condition that the petitioner deposits costs of Rs.1,00,000/- (Rs. One Lac only) with the committee on or before 04.12.2019. The deposit of

costs is condition precedent. In case, the petitioner deposits the costs as directed above, the committee shall give an opportunity to the petitioner and the complainant to argue the matter before it. The parties shall appear before the committee on 04.12.2019. In case the cost as directed above is not deposited, the petition shall be deemed to have been dismissed. The committee shall decide the proceeding preferably within three (03) months from the date of appearance of the parties.

6. Writ Petition accordingly stands disposed off.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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