

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

903 WRIT PETITION NO.6624 OF 2006
WITH CA/4380/2010 IN WP/6624/2006

NANDU S/O LAHAUJI BAGUL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioners : Mr. D J Choudhari
AGP for Respondent No.1-State : Mr. S. K. Tambe
.....

**CORAM : V. K. JADHAV, J.
DATED : 12th December, 2019**

PER COURT:-

1. Heard learned counsel for the petitioner and learned AGP for the respondent-State. By order dated 22.02.2007, while granting rule, this Court has expressed doubt about the entry taken in the birth register. In the backdrop of the same, this Court has observed that the petitioner has made out a case for remand of the matter back to the authorities for decision afresh after perusing the said original record.
2. In terms of the said interim order and considering the submissions made on behalf of the counsel appearing for the petitioner, I proceed to pass the following order.

ORDER

- I. The Writ Petition is hereby partly allowed.
- II. Both the impugned orders, i.e. the order dated 02.01.2006 passed by respondent no.3 - Additional Collector, Aurangabad in application No. 2005/GPN/DISQ/CR-26 and the order dated 17.07.2006 passed by respondent no.2 - Additional Commissioner, Aurangabad in the appeal bearing no. DB/Desk-2/ZPVP/Appeal /CR-12/2006 are hereby quashed and set aside.
- III. The matter is remanded to the Additional Collector, Aurangabad with the following directions;

Restore application No. 2005/GPN/DISQ/CR-26 to its original number and decide the same afresh within three months after appearance of the parties after perusal of the original record.
- IV. The parties shall appear before the Additional Collector, Aurangabad on 03.01.2020.
- V. The Writ Petition is accordingly disposed of.
- VI. Rule made partly absolute.
- VII. Pending Civil Application No. 4380 of 2010 also stands disposed off.

(V. K. JADHAV, J.)