

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

1018 WRIT PETITION NO.8816 OF 2019

DURVESH SHARAD TAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.V.Jadhavar, Advocate for Petitioner.
Mr. P.S.Patil, AGP for Respondents-State.
Mr. S.G.Karlekar, Advocate for Respondent No.4.

...

**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19.07.2019

PER COURT :-

1. We do not find any documentary evidence in favour of the petitioner. Though validity is said to have been granted in favour of the father and sisters, in one of the cousin uncle's daughter's case, the Committee has invalidated the claim and matter is subjudiced before this Court. The petitioner has produced in the present case a document of the year 1928 said to be in the name of Sari Tanaji Suraji wherein the entry is shown to be 'Dho. Koli'. That document according to the respondent is not before the Committee. In absence of any documentary evidence, it would not be possible to accept the request of the petitioner.

2. After arguing the matter for some time, Mr. Jadhavar, the learned counsel submits that the petitioner has produced document of the year 1928 in the name of Sari Tanaji Suraji - paternal relative of the petitioner wherein caste is recorded as 'Dho. Koli'. The petitioner be given an opportunity to prove the said document. According to the respondent, the said document was not filed by the petitioner during the proceeding.

3. Considering the fact that the matter pertains to the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner, we pass the following order :

ORDER

(i) The impugned judgment is quashed and set aside.

(ii) The matter is remitted to the Committee for deciding it afresh.

(ii) The petitioner shall appear before the Committee on 23.07.2019 and produce the documents.

(ii) The Committee shall consider the said document and if required may conduct vigilance in respect of the said document. The petitioner is also at liberty to file such additional

documents on which the petitioner would rely. The Committee shall endeavour to decide the said proceeding expeditiously, preferably within a period of ten (10) days from the date of appearance of the petitioner.

4. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

...

vmk/-