

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

137 WRIT PETITION NO.11620 OF 2019

**DILIP GOVINDA SONAWANE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

...
**Advocate for Petitioner : Barlinge S.R.
AGP for Respondents: S.G.Karlekar**
...

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.
DATE : 11.11.2019**

PC. :-

Mr.Barlinge, learned counsel submits that real brother of the petitioner viz. Prabhakar Govinda Sonawane is issued with the validity certificate of Tokre Koli (Scheduled Tribe). In the judgment the committee states that no such validity is issued in favour of any close relative of the petitioner. Even one paternal cousin viz. Baliram Totaram Sonawane has been issued with the validity certificate whose documents were placed on record by the petitioner. The learned counsel for the petitioner further submits that even opportunity of hearing was not given. In the judgment erroneous statement is made that time to time notices were issued, except one notice no notice was served to the petitioner to appear for hearing.

2] The learned AGP submits that basic documents produced by the petitioner are against the petitioner. The petitioner failed in the affinity test also. The genealogy submitted by the petitioner relied by the learned counsel

in the present Writ Petition is different.

3] We have considered the submissions. The petitioner placed on record certificate of validity issued to Prabhakar Govinda Sonawane dated 16/3/2006. He appears to be the real brother of the petitioner. The petitioner also relies on one distant paternal relative's validity certificate viz. Baliram Totaram and the committee has observed in the order that petitioner has not submitted validity certificate of his blood relative.

4] Such observation does not appear to be as per the record. The committee is bound to consider the validity certificate issued to the paternal relative of the petitioner and thereafter arrive at the conclusion.

5] In light of the above, the impugned judgment and order is quashed and set aside. The parties are relegated before the committee. The petitioner shall appear before the committee **on 2/12/2019** and may put forth his stand before the committee. The committee shall consider the validity certificate produced and relied by the petitioner and thereafter decide it afresh preferably within 3 months.

6] The committee shall follow the time stipulation given by this Court, failing which, we would be constrained to take action of contempt of Court.

7] Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V.GANGAPURWALA,J.]