

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

CIVIL APPLICATION NO.6666 OF 2020
IN
WRIT PETITION NO.2311 OF 2020

LALITA NAGNATH PATIL
VERSUS
BHASKAR MAROTI BIRAJDAR AND OTHERS

...
Shri Suresh P. Pandav, Advocate for the applicant.
Shri R.B.Bagul, AGP for Respondent Nos.2 and 3.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd October, 2020

Per Court:

1. I have heard the learned advocate for the applicant/ original petitioner and the learned AGP. I have perused the order dated 14.10.2020 passed by my learned brother Hon'ble Shri Justice Mangesh S. Patil. I have also perused my earlier order dated 07.03.2020 passed in Writ Petition No.2311/2020.

2. Vide order dated 07.03.2020, I have observed in paragraphs 7 to 13 as under :-

"7. *This establishes that the husband of the Petitioner has approached the Registrar - Birth-Death Registering Officer for obtaining five birth certificates on a single day. It is apparent that there are manipulations done by the husband of the*

Petitioner and these three children are shown to have been born with a gap of two years in 1994, 1996 and 1998 and the twins, who are actually Laxman and Laxmi born on 24/06/2006, are shown to be Amar and Sima, born on 10/12/2000.

8. *The learned Advocate for the Petitioner has pleaded before the Court that the Petitioner, as well as, her husband may be pardoned. I find that the said request does not deserve to be entertained since the husband of the Petitioner appears to have manipulated the birth records of his children in the reverse order by pushing back their dates of birth after obtaining five birth certificates on a single day. There appears to be mens rea and a systematic planning in what has been done. It would be a mockery of law and justice to pardon such litigants, who have not only abused the process of law, but have shown scant respect for the majesty of law and have manipulated even Government Officials.*
9. *Today, as the case stands before this Court, the Petitioner and her husband declared that Amar is actually Laxman and Sima is actually Laxmi. Their birth dates have been manipulated and their age has been increased by six years indicating them to be 19 years and 3 months today, when they are 13 years and 9 months old and both are studying presently in the 8th Standard. Such conduct of the Petitioner and her husband cannot be countenanced.*
10. *In view of the above, this petition is dismissed. The Petitioner Lalita Nagnath Patil is subjected to a fine of Rs. 1,00,000/-, which shall be deposited in this Court on or before 15/04/2020, failing which, this Court would initiate suo-moto contempt proceedings against her and would also direct the District Collector, Latur to initiate proceedings for recovery of Rs. 1,00,000/- with an additional fine of Rs. 50,000/-, as arrears of land revenue.*
11. *The Kasar Sirsi Police Station, Taluka Nilanga, District Latur, shall register an FIR against Nagnath Basanna Patil at post Koraliwadi, Taluka Nilanga, District Latur for a fraud played in*

manipulating the records of the birth dates of the five children. The said offence shall be investigated and tried as is permissible under the Code of Criminal Procedure and for the offences punishable under the Indian Penal Code.

12. *The District Health Officer is directed to locate the person, who had issued the five birth certificates on 22/12/2016 to Nagnath Basanna Patil and initiate disciplinary action against him for manipulation of records. Considering the seriousness of the act said to have been committed by him, the said authority shall consider commensurate strict action after finding out the concerned Registrar who is guilty of the said offence. The disciplinary action should be concluded within SIX MONTHS from today and compliance report shall be tendered to the Registrar (Judicial) of the Bombay High Court, Bench at Aurangabad.*
13. *Needless to state, as it is established that the Petitioner and her husband Nagnath Basanna Patil have five children, out of which two are born on 24/06/2006, both shall be disqualified from contesting any elections to which the disqualification for having more than two children after the cut of date is prescribed."*

3. The applicant/ petitioner was, therefore, directed to pay fine of Rs.1 lac on or before 15.04.2020 failing which, the amount was to be recovered by the District Collector as arrears of the land revenue and also recover the additional amount of Rs.50,000/- for the disobedience of the directions of this Court.

4. The learned advocate for the applicant submits that since there was national lock-down on 24.03.2020 on account of the Covid-19 pandemic, the applicant was handicapped and could not deposit the said

amount. He was unable to travel cross border inter-districts. He also could not take effective steps for generating revenue for depositing the amount in this Court. After the unlock phase from 15.09.2020, the applicant filed this application on 24.09.2020. The Demand Draft dated 08.09.2020 in the name of the Registrar, Bombay High Court, Bench at Aurangabad for an amount of Rs.1 lac is ready and can be deposited whenever this Court may direct. A photostat copy of the Demand Draft is tendered across the Bar, which is taken on record and marked as "X" for identification.

5. The learned AGP has strenuously opposed the application contending that the intention of the applicant was not to obey the order of this Court.

6. The learned advocate for the applicant submits that the applicant had not approached the Honourable Supreme Court and she did not have the intention of ignoring the order of this Court.

7. In the above facts and circumstances of the case and since the issue of depositing the amount is between the applicant and the Court, I am not issuing notice to respondent No.1.

8. In the light of the facts and circumstances set out herein above, this Civil Application is allowed. The applicant shall tender the Demand Draft in this Court as expeditiously as possible and in any case on or before 29.10.2020. After the deposit of the Demand Draft, the learned Registrar (Judicial) shall transmit the said amount to the District

Collector, Latur, who shall utilize the said amount for the treatment of Covid-19 patients.

kps

(RAVINDRA V. GHUGE, J.)