

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

WRIT PETITION NO. 352 OF 2021

Shivram s/o Shivsamb Gudbenwad

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr C.R. Thorat, Advocate for petitioner

Mr S.G. Karlekar, A.G.P. for respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 15th January 2021

PER COURT :

1. After arguing the matter for some time, Mr Thorat, learned Advocate for the petitioner submits that the petitioner be given opportunity to prove the relationship of the petitioner with the validity holder Sanjay son of Gangadhar.

2. The learned A.G.P. has brought the record of validity holder Sanjay son of Gangadhar. It appears that Sanjay son of Gangadhar, in his own application seeking validity has shown the father of Maroti as Sayanna. In the present case, the father of Maroti is shown as Bhumanna and Shivsamb in the genealogy submitted by him has shown father of Maroti as Narsing. These three genealogies do not support each other. On the contrary, raises suspicion about the correctness of the genealogies.

3. Today, Sanjay son of Gangadhar has filed affidavit to contend that the petitioner herein is his paternal cousin. In the genealogy submitted by him along with his affidavit, he has shown father of Maroti as Bhumanna. The same appears to be contrary to his own application seeking validity. In the said application, he has shown father of Maroti as Sayanna.

4. Considering the request of Mr Thorat, learned Advocate for the petitioner that an opportunity be given to the petitioner to prove the relationship of the petitioner with the validity holder and considering the matter pertains to the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner.

5. In light of that, the impugned order is quashed and set aside. The petitioner is relegated before the Scrutiny Committee. The petitioner shall appear before the Committee on 25th January 2021. The petitioner may place on record such facts to prove his relationship with the validity holders. Naturally, the Committee would consider the said fact in accordance with the procedure and the law and decide the proceeding on its own merits expeditiously, preferably within three months from the date of appearance of the petitioner.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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