

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

903 PUBLIC INTEREST LITIGATION NO.29 OF 2021

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**DATTA NARAYAN RANE
VERSUS
STATE OF MAHARASHTRA & OTHERS**

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Mr.Dhairyasheel V. Sutar and S.R.Dheple,
Advocate for the petitioner.
Mr.P.S.Patil, Additional G.P. for the
respondent-State.

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**CORAM: S.V.GANGAPURWALA &
SHRIKANT D.KULKARNI,JJ.
DATE : 16.03.2021.**

P.C.

1] The petitioner under the present litigation assailed the validity issued in favour of respondent no.8.

2] Learned counsel for the petitioner submits that validity issued in favour of respondent no.8 is based on erroneous documents. The relationship of respondent no.8 with the alleged grand-father is not proved. The proper procedure is not followed. According to the learned counsel, respondent no.8 originally belongs to Kolhapur. She obtained caste certificate from the Sub

Divisional Officer, Beed and validity certificate from District Scrutiny Committee, Beed. The genealogy has not proved. There was no revenue record to prove the genealogy. According to the learned counsel, four persons had filed complaint before the Scrutiny Committee during validation proceedings. Two persons even filed Writ Petition before this Court challenging validity issued in favour of respondent no.8. They withdrew the Writ Petition. The petitioner is also resident of the same place from where respondent no.8 is elected to the Municipal Council. In view of that, the petitioner has locus to file present PIL. Learned counsel relies on the judgment of the Division Bench of this Court in the case of ***Maharashtra Adiwasi Mana Jamat Mitra Mandal Vs. State of Maharashtra & Ors.*** reported in ***2017 [1] Mh.L.J. 227.***

3] Learned AGP for the respondent – State submits that validity has been granted in favour of respondent no.8 by the Committee after following procedure. The vigilance was conducted, the documents produced by the complainant were also considered, and thereafter, validity has been granted. The census record of the year 1951, wherein caste

of the grand-father recorded as 'Beda Jangam' was also considered. The *contra* document placed on record was also before the Committee and all the documents were considered. The vigilance report was also considered before issuing validity to respondent no.8.

4] We have heard submissions advanced by the learned counsel for the petitioner and learned AGP.

5] It appears that the petitioner is a stranger to the validity certificate issued in favour of respondent no.8. The petitioner at no material point of time had filed complaint against respondent no.8 before the Committee during validation proceedings. It is only after the validity is issued; the present PIL is filed four years later.

6] The petitioner does not belong to caste to which respondent no.8 belongs. The petitioner is from general category. The petitioner would not possess locus to agitate against the validity issued in favour of respondent no.8, more particularly, when the Committee before issuing validity certificate

has followed procedure of conducting vigilance in respect of the documents placed on record by respondent no.8 and the complainant also. Pros and cons of the vigilance report is considered by the Committee.

7] The Hon'ble Apex Court in the case of *Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra* reported in *[2013] 4 SCC 465* has observed that a stranger cannot be permitted to meddle in any proceeding unless he satisfies the authority or Court that he falls within the category of aggrieved persons. The petitioner has not suffered any legal injury to maintain present PIL against respondent no.8. The petitioner does not possess any actionable right to maintain present PIL.

8] It is not the case that the right and interest of public at large are infringed so that individual can approach this Court and file PIL.

9] The procedure has been followed by the Committee before issuing validity certificate. The vigilance report has been

considered by the Committee. It is not the case of the fraud on the Committee.

10] Considering all these aspects of the matter, we find that the present PIL is not *bona fide* one. In the light of that, the PIL is dismissed with costs.

[SHRIKANT D.KULKARNI,J.] [S.V.GANGAPURWALA,J.]

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