Urmila Ingale

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Date: 2021.08.06 17:45:10 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11986 OF 2019

Smt.Anandabai alias Anubai Pandhari More .... Petitioner
Vs.
The State of Maharashtra and ors. ..... Respondents

Mr.Sanjiv Sawant a/w Mr.B.K. Barve, Mr.Sandeep Barve, Mr.Santosh Wagh and Ms.Laxmi Ingale i/b B.K. Barve & Co., for the Petitioner.
Mr. P.V. Nelson Rajan, AGP for the Respondents No. 1 to 4 – State .
Mr.Samir Sarambhalkar a/w Mr.Parvesh Gupta, for Respondent No.5.
Mr.Shashikant Surana i/b Madhav S.Surana, for Respondent No.6.

CORAM : M. S.KARNIK, J.

DATE : 06th AUGUST, 2021

P.C. :

. Learned Counsel for the Petitioner by this Petition challenges the order passed by the Additional Collector dated 16/09/2017 as well as order dated 27/12/2018 passed by the Grievance Redressal Committee.

2. It is the submission of learned Counsel for the Petitioner that the impugned orders have been obtained by fraud

and Respondent No.5 has been held to be eligible on the basis of the forged and fabricated documents. Apart from the challenge to the orders that the issue of eligibility is wrongly decided in favour of Respondent No.5, learned Counsel for Petitioner vehemently submitted that the Additional Collector ought to recall the order as the Petitioner can establish that the same is based on forged and fabricated documents and obtained by fraud. Learned Counsel Shri Sawant submitted that criminal proceedings have been initiated against Respondent No.5 and in the said proceedings even charge-sheet has been filed.

3. In a challenge to the orders passed by the authorities below, in this Petition, it is not possible for this Court to render a factual finding based on the allegations of fraud and fabrication. The Petitioner is free to approach the Additional Collector by filing appropriate application pointing out that the order was obtained by practicing fraud or the same is based on forged and fabricated documents. If such an application is made, the same obviously will be considered in accordance with law. In addition to that, the Petitioner is free to avail of any alternate remedy that may be available. It is made clear that I have not examined merits of the contentions raised by the Petitioner and all contentions are kept open. If such an application is made to the

Additional Collector by the Petitioner, Additional Collector is requested that the same be decided expeditiously. Writ Petition is disposed of.

(M.S.KARNIK, J.)