

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

916 WRIT PETITION NO.4785 OF 2022

**SAYAD SARUBI AMINSAAB SARUBI KHADAR SHAIKH
VERSUS
THE DISTRICT COLLECTOR AND OTHERS**

...

Advocate for Petitioner : Mr. Joshi Amol
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/4 & 5 : Mr. S.S. Thombre

...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 12th July, 2023**

PC. :-

1. On 21.06.2023, we had passed the following order:

“1. We have considered the submissions of the learned advocates for respective sides at some length.

2. As the matter progressed, we noticed that the document at page No. 38 of the petition paper book, which the petitioner claims to be a caste certificate with an outward date 19.07.1990 having been issued by Tahsildar Biloli, is under a cloud. The Tahsildar has filed an affidavit stating on oath that this certificate was never issued by him and it is a forged document. In the face of this submission that the caste certificate is a fake document, the Petitioner insists that it was issued by the Tahsildar Biloli. Similarly, purported communication by the Tahsildar Biloli dated 04.03.2022 addressed to Sayyed Sarubee Aminsab and the document at page No. 114 dated 14.09.2022 addressed to Sayyed Lal Aminsaheb, are also said to be forged documents. The Petitioner submits that these two communications are not fake.

3. *In the light of the above, it is apparent that the said disputed issues, in the face of "word against word" on oath. cannot be gone into by this Court. We inform the learned advocate for the Petitioner that we intend to refer these documents to a criminal investigation agency to find out which of these documents are true and which are fake. If these documents are found to be fake and which have been produced by the Petitioner, we would impose cost of Rs. 2,50,000/- (Rs. Two Lacs Fifty thousands only) on the Petitioner besides directing registration of a criminal case against her. If the documents are found to be true, apparently it would then be the Tahsildar who is lying before us and, therefore, he would suffer the same consequences.*

4. *In view of the above, the learned advocate for the Petitioner seeks time to take instructions. We call upon him to file an affidavit of the Petitioner for taking a stand in the face of this order. Let such affidavit be filed on or before 05th July, 2023 in this Court.*

5. *Place this petition on 12.07.2023 in the urgent orders category."*

2. Today, the learned advocate for the Petitioner submits on instructions that the Petitioner desires to withdraw this petition.

3. In view of the above, **this petition is dismissed as withdrawn.**

Needless to state, the impugned order stand sustained.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]