

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

933 WRIT PETITION NO. 12703 OF 2023

SATYANARAYAN RAMREDDY AITWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

AND

936 WRIT PETITION NO.12708 OF 2023

SONALI POCHANNA AITWAR THROUGH POA PRAVIN POCHANNA
AITWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

940 WRIT PETITION NO.12714 OF 2023

SANDIP POCHANNA AITWAR THROUGH POA PRAVIN POCHANNA
AITWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

942 WRIT PETITION NO.12717 OF 2023

PALLAVI CHANDRAYYA AITWAR THROUGH POWER OF ATTORNEY
HOLDER CHANDRAYYA RAMKISHTU AITWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

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Advocate for Petitioner in all petitions : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents/State : Mr. S. G. Sangale

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 11 OCTOBER 2023

PER COURT :

. Heard learned Counsel for the petitioners as well as learned AGP in all these matters.

2. The petitioners have been served with show cause notices by the respondent/Scrutiny Committee dated 23.10.2020 indicating therein *inter alia* the circumstances which according to the Committee would constitute fraud and would vitiate the validity certificates possessed by them.

3. Though the learned Advocate for the petitioners by referring to several decisions made submissions to demonstrate as to how the Committee does not have jurisdiction and power to undertake the exercise which it has intended to, we are only pointing out that the show cause notices were served long back in the year 2020. The petitioners seem to have participated in the enquiry. Even an application raising the objections regarding maintainability was filed on 26.11.2021, which was rejected and the order of rejection was served to one Rajeshwar Rajaram Aitwar, who is the first applicant in the array of applicants as can be seen from the application submitted by them before the Scrutiny Committee. Even that communication is dated 09.05.2022. By way of these petitions, the petitioners are now for the first time

challenging the show cause notices received by them in October 2020.

4. The circumstances which according to the Committee confers upon on it the powers and jurisdiction to undertake scrutiny of the validity certificates of the petitioners is a matter which is under active consideration of the Committee. Needless to state that the petitioners would have every opportunity to put up their case before the Committee and even challenge its jurisdiction. It would be premature for this Court at this juncture to undertake any scrutiny regarding the sustainability of the notices when the petitioners have not approached this Court by putting up a challenge to the show cause notices promptly. Having failed to file any response to the show cause notices, they are approaching us belatedly. In the circumstances, we refuse to exercise the power under Article 226 of the Constitution.

5. The Committee may proceed to take appropriate decision by following principles of natural justice. However the decisions being taken by the Committee shall be pronounced on a date notified, under intimation to the petitioners.

6. The petitions are disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]