

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4273 OF 2022

(Sunil Vishnu Agrawal and another ..vs.. Sub-Divisional Officer, Washim and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sagar Tembhekar, Counsel h/f. Mr. S.S. Deshpande, Counsel for the
petitioners,
Mrs. Kalyani Deshpande, A.G.P. for respondents 1, 2 and 4,
Mr. S.D. Chande, Counsel for respondent 3.

**CORAM : ROHIT B. DEO &
MRS. VRUSHALI V. JOSHI, JJ.**
DATED : 28-04-2023

The petitioners are challenging the Caste Certificate issued by respondent 1-Sub-Divisional Officer, Washim in favour of respondent 3 certifying that respondent 3 belongs to the Thakur Scheduled Tribe.

2. The reason why the petitioners are assailing the certificate is that the petitioners are apprehending that the agricultural land which is purchased from the predecessor of respondent 3, may have to be restored in view of the provisions of the Maharashtra Restoration of Lands to Scheduled Tribes Act and Section 36-A of the Maharashtra Land Revenue Code, 1966.

3. In our considered view, the petition is hopelessly misconceived.

4. We neither have the expertise nor the domain knowledge to conduct an independent enquiry substituting ourselves for the Scrutiny Committee.

5. If the petitioners are aggrieved by the Caste Certificate, perhaps the remedy lies by preferring an appeal under Section 5 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000.

6. We clarify that we have not considered the contentions on merit.

7. We grant liberty to the petitioners to prefer appeal challenging the certificate issued in favour of respondent 3.

8. The petition is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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