



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

WRIT PETITION NO.4759 OF 2019
WITH
WRIT PETITION NO.2872 OF 2019

Harishchandra Narayandasji Dangra, Mohgaon Bhadade, Tah. Narkhed, Dist. Nagpur and ors.

-vs-

State of Maharashtra, Thr. Collector, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. L. Khapre, Senior Advocate with Shri S. B. Mohta, Advocate and Shri C. F. Bhagwani for petitioners/applicants in CAW/1658/23.
Shri A. S. Fulzele, Additional Government Pleader for respondent Nos.1 to 5.
Shri R. K. Mendhadkar, Advocate with Shri R. J. Kankale, Advocate and Shri G.G. Mishra, Advocate for respondent Nos.6 to 11.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : September 20, 2023

Civil Application (CAW) No.1658/2023 in Writ Petition No.2872/2019

1. This application has been moved by the petitioners seeking to raise additional grounds of challenge to the issuance of validity certificate to the respondent No.6. By the proposed amendment it is sought to be averred that 'Rajgond' was not included in the list of Scheduled Tribes when the transactions between the parties took place between 31/05/1957 to 10/03/1972. According to the petitioners, the contentions sought to be raised by amending the writ petition are in the nature of additional grounds for challenging the validity certificate.
2. This application is opposed by the learned counsel for the respondent No.6 by submitting that the amendment as proposed would change the nature of proceedings especially when the finding with regard to the effect of the orders passed under the provisions of Maharashtra Restoration of Lands to Scheduled Tribes Act, 1976 has attained finality.
3. Having heard the learned counsel for the parties we find that the

petitioners seek to raise additional grounds in support of the challenge raised to the grant of validity certificate to the respondent No.6. Whether the transactions between the parties are effected by virtue of the status of respondent No.6 would be contingent on the challenge to the validity certificate issued to respondent No.6. We therefore find that petitioners can be permitted to raise additional grounds in support of the writ petition. Hence the amendment is allowed. Same be carried out within a period of one week.

4. Civil Application is disposed of.

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5. Stand over three weeks.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)