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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 5241 OF 2023

MANOJ SHRIKRISHNA ASHTEKAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.R.P.Dhase, Advocate for the Petitioner.

Mr.P.K.Lakhotiya, AGP for Respondent Nos.1 to 4.

Mr.V.M.Vibhute, Advocate for Respondent Nos. 5 to 7.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JANUARY 8, 2024

PER COURT :

1. The Petitioner's case is that his contract is brought to an end on the ground of forgery under clause 5.1 of the scheme dated 25.08.2021.

2. The learned Advocate representing the Zilla Parishad submits that a statutory remedy has been specifically provided to deal with disputed issues and the Petitioners' claim would be tenable before the Divisional Commissioner.

3. Taking into account the fact that disputed questions cannot

be considered by this Court and if there are allegations of fraud which the other party to the contract may have to establish, it would be advantageous to approach the Divisional Commissioner.

4. In view of the above, **this Petition is disposed off.** The Petitioner is at liberty to approach the Divisional Commissioner. The time spent by the Petitioner in this Court from 18.04.2023 till the passing of this order, shall be considered as a good ground for condonation of delay, if any.

5. All the contentions of the parties, are kept open.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)