



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO. 9825 OF 2024

1. AYUSH S/o. KIRAN TORADMAL
2. PIYUSH S/o. KIRAN TORADMAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. M.S. Deshmukh
i/b. Mr. Phatale Sagar S.

AGP for Respondents : Mr. R.S. Wani

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 09 SEPTEMBER 2024

PER COURT :

We have heard both the sides extensively on the last date as also today.

2. The matter presents a peculiar state of affairs. Though it is the matter of invalidation of a tribe claim and confiscation and cancellation of 'Koli Mahadev' scheduled tribe certificates of the petitioners, as it transpires, they are relying upon, *inter alia*, validity of one Ravindra Eknath Koli stated to be their paternal uncle who was issued with a certificate of validity on 15 March 2008.

3. Even if the Committee on its own has not entertained any doubt about the relationship of the petitioners with Ravindra, it is being pointed out by the learned AGP from the original file of Ravindra, wherein, there are statements of Ravindra and Eknath

recorded by the Vigilance Officer bearing signatures of Ravindra on both and that of Eknath on his own statement. In both these statements, they have unanimously said that Eknath has only son Ravindra and latter has stated that he does not have a brother. It is in view of such stand being taken by Ravindra and his father in his own matter, *prima facie*, the observation of the Committee readily accepting Ravindra to be the paternal uncle of petitioners, indeed, seems to be vulnerable.

4. The petitioners have produced affidavits of their father Kiran, grandmother Laxmibai and paternal aunt Surekha Bhaurao Kale to substantiate that Kiran is brother of Ravindra and second son of Eknath and Laxmibai.

5. We have come across even the genealogy prepared by the Vigilance Officer in the matter of Ravindra which also bears his signature, wherein, his father Eknath is shown to have only a son and two daughters, Poonam and Manisha. Neither the petitioners' father Kiran nor Surekha find place in that genealogy.

6. Faced with the situation, the learned Advocate for the petitioners, on instructions submits that the petitioners may be granted an opportunity to go back to the Committee and clear everything to demonstrate that indeed the petitioners are the grand children of Eknath through his another son Kiran, and Ravindra happens to be their paternal uncle. He would request that the Committee be directed to decide the petitioners' proposal at the earliest as they are intending to secure admission to MBA course in the current admission process.

7. Considering the fact that a factual dispute of serious nature has cropped up, the request of the learned Advocate for the petitioners is reasonable and we find no impediment in accepting it.

8. In the light of the fact that there seems to be a registered will purportedly executed by Eknath and the revenue record, showing the same land being shared by the petitioners' father Kiran on the basis of the will and by Ravindra on the basis of registered deed, it would be appropriate that the matter is remanded to the Committee for decision afresh.

9. The writ petition is allowed partly. The impugned order is quashed and set aside. The Committee shall decide the petitioners' proposal afresh particularly in the light of the observations made herein above, by extending an opportunity to them to lead additional evidence, and if necessary, by resorting to vigilance enquiry.

10. The petitioners shall appear before the Committee on 12 September 2024 and the Committee shall, thereafter, decide the proposal as expeditiously as possible considering the request of the petitioners.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]