



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

WRIT PETITION NO. 10827 OF 2024

Shreya Madhav Totewad

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner
Mrs. S. S. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 16 OCTOBER 2024.**

FINAL ORDER :

. Heard both the sides. The petitioner is challenging order of invalidation.

2. Admittedly, petitioner's father possesses a certificate of validity and more importantly on earlier two occasions his claims were discarded and every time, on a challenge put up by him before this Court, the matter was remanded. It is after this second remand and after conducting additional vigilance enquiry he was held entitled to have a certificate of validity by a detailed reasoned order, including consideration of many contrary entries, wherein he and his relatives were described as 'Munnurwad', inconsistent with the claim of being 'Mannervarlu'.

3. Additionally, after the second remand petitioner's father also relied upon two validities of which benefit was extended to him. The learned A. G. P. in tune with the observations of the Committee in the order under challenge submits that Madhav was granted validity based on the validity of maternal side relatives and had practised fraud.

4. We have gone through the original judgment of the Committee in Madhav's matter from the original file made available to us by the learned A. G. P. As can be seen from the judgment, apart from other reasons, even the then Committee was aware about the validity being relied upon Madhav was from maternal side. We are simply pointing out this circumstance to demonstrate that the submission of the learned A. G. P. that petitioner's father had practised fraud by relying upon maternal side relatives validity cannot be factually accepted.

5. Be that as it may, the Committee is now taking exception to Madhav's validity based on isolated contrary entry, which was subsequently discovered, of his great grandfather Maruti Bhujanga in the revenue record of "K Patrak" of 1954-55, wherein he was described as Munurwar. Even if Committee is now using such isolated contrary entry produced subsequently as a ground for drawing inference about petitioner's father having practised fraud, it would be for the committee to substantiate such inference by undertaking due process of law and on the basis of strict proof. Till the time certificate of validity of the petitioner's

father is confiscated and cancelled, she cannot be put on a tenterhook and is entitled to derive benefit, of course, subject to usual conditions.

O R D E R

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 18.09.2024 and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner as belonging to 'Mannervarlu' immediately in prescribed proforma.
- (iv) The validity of the petitioner would be co-terminus with the validity of his father.
- (v) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 24