



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11775 OF 2022

NIKITA VIJAY JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

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Mr. M. P. Gandle, Advocate for Petitioner

Mr. M. M. Nerlikar, AGP for Respondent Nos. 1 to 4 – State

Mr. Sanjay N. Gaikwad, Advocate h/f Mr. N. V. Gaware, Advocate
for Respondent No.5

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 21.06.2024

PER COURT :-

1. By relying upon the judgment of the Hon'ble Supreme Court in *Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others, (2013) 4 Supreme Court Cases 465*, we had passed the following order, on 02.12.2022 :-

“1. The petitioner is the sister-in-law of the biological sister of respondent No.5, who has been granted a validity certificate of belonging to “Nomadic” Tribe (N.T.D). The contention is that the petitioner is also a “Maratha” and respondent no.5 is also a “Maratha”.

2. The learned AGP has relied upon the judgment delivered by the Honourable Supreme Court in **Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others, (2013) 4 Supreme Court Cases 465**, wherein it has been held that the locus-standi / bona-fides of a petitioner had to be tested while considering the tenability of the challenge. If a person is not aggrieved on account of any legal injury and has not suffered any such injury, the petition ought not to be entertained. Costs of rupees one lakh as in 2013 have been imposed. The learned AGP, therefore, submits that a family feud is being brought to the High Court in the nature of a challenge to the validity certificate issue to respondent No.5.

3. To test the bona-fides of the petitioner, in the light of the judgment in **Ayaaubkhan Noorkhan Pathan** (supra), we called upon the petitioner, who claims to be a social worker (claims to be the President of the Western Maharashtra National Chava Organization, Maharashtra State), to state whether she will deposit rupees Two Lakhs in this Court, so as to entertain this petition.

4. The learned advocate for the petitioner submits that he would take instructions whether the petitioner desires to deposit the said amount to show her bona-fides.

5. List this petition on 9th December, 2022 for passing orders.”

2. On 09.12.2022, we recorded the statement of the Petitioner that she desires to deposit Rs.2,00,000/- in this Court in view of the above order, to show her bona-fides and prayed that the

validity certificate of Respondent No.5 who is her close relative, should be cancelled and action should be initiated against him. The Petitioner thereafter deposited the amount in this Court.

3. The learned Advocate for the Petitioner places on record a handwritten and signed original application dated 19.06.2024, addressed by the Petitioner to the learned Advocate, stating therein that the Petitioner desires to withdraw this Petition. The said compilation of documents along with the original application (6 pages), is taken on record and marked as “X” for identification.

4. The learned Advocate for the Petitioner submits that the Petitioner is willing to donate Rs.50,000/- for a noble cause, like a donation to the orphanage. The rest of the amount is sought to be withdrawn with the leave of this Court on the ground that the Petitioner, who is a social worker, has taken a loan.

5. The learned Advocate representing Respondent No.5, whose validity certificate is challenged by the Petitioner, submits that the statement of the Petitioner may be recorded.

6. In view of the above, **this Writ Petition is dismissed as withdrawn on instructions.** The Registry shall return an amount of Rs.1,50,000/- to the Petitioner on an application being made under identification by the learned Advocate.

7. Insofar as the donated amount of Rs.50,000/- is concerned, the Registry is directed to transfer Rs.25,000/- each, to **(A)** Infant India, Anandwan, 659/Infant Hill, Infront of Bindusara Dam, N.H. 211, Pali, Beed-431122. Mobile-9422693585/9822456411. Canara Bank A/c No.3773201000011, IFS Code CNRB0003773, and

(B) Orphanage home i.e. “Shantivan”, Arvi, Tq.Shirur Kasar, District Beed, in the name of “Bhavani Vidhyarthi Kalyan Pratishthan, Arvi” (State Bank of India, Branch Shirur (Kasar), Account No.33446000963, IFSC Code : SBIN0005995), through RTGS money transfer.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]