



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

WRIT PETITION NO. 13370 OF 2024

Baliram Changoji Mahajan,
Age 48 years, Occu. Sarpanch,
Village Panhayat, Kurha,
R/o. Kurha, Tq. Muktainagar,
Dist. Jalgaon

.. Petitioner
(Original Respondent)

Versus

1. State of Maharashtra
Through the District Collector,
Jalgaon, Dist. Jalgaon
2. The Gram Sevak,
Gram Panchayat Kurha,
Tq. Muktainagar, Dist. Jalgaon
3. Mandabai Dinkar Patil,
Age 47 years, Occu. Household/Agri.
R/o. Kurha, Tq. Muktainagar,
Dist. Jalgaon

.. Respondents
(R.No.3/Original complainant)

Mr. V. D. Salunke, Advocate for Petitioner;
Smt. Kalpalata B. Patil Bharaswadkar, AGP for Respondent No.1;
Mr. V.G. Dhundale and S.C.Magre, Advocates for Respondent No.2;
Mr. Mahesh Deshmukh, Advocate holding for Mr. S. R. Phatale,
Advocate for Respondent No.3

CORAM : ROHIT W. JOSHI, J.

DATE : 11-08-2025

PER COURT:-

1. Heard the learned counsel for the parties.
2. Petitioner was elected as Sarpanch in the elections held in 2022. Respondent No.3 has initiated proceeding under Section 14 (1)(J-1) of the Maharashtra Village Panchayat Act, 1959 (for short, "the Act of 1959") seeking disqualification of the petitioner on the

ground that he has begotten a third child after the cut-off date prescribed under the Act i.e. 31.12.2001.

3. In this proceeding, respondent No.3 had filed an application for conducting DNA test of the petitioner and the alleged third child. Vide order dated 25.11.2024, the Collector has directed the petitioner to file or record medical evidence and other valid documents with respect to paternity of the child. It is pertinent to note that according to the petitioner, he is blessed with two daughters. His contention is that Deepak @ Raj, the alleged third child is not his biological son. The contention of the petitioner is that Dipak is son of his deceased brother Samadhan. The case of the petitioner is that Samadhan's wife had delivered twin babies. It is stated that one child was delivered at the residential house and other child was delivered after she taken at Hospital at Malkapur. As per the contention, Deepak was delivered in the residential house and another son was delivered in a Hospital at Malkapur. It must be stated that there is a registered Deed of Adoption, by which the petitioner and his wife have taken Deepak in adoption from sister-in-law of the petitioner i.e. the wife of deceased Samadhan.

4. Learned counsel for the petitioner states that all these documents pertaining to registered Deed of Adoption and reference letter of Primary Health Center, Kurha, discharge card of hospital at Malkapur, opinion of the Medical Board and other

documents are already produced on record. He states that therefore there is no propriety to direct the petitioner to produce documents on record.

5. Per contra, contention of the respondent No.3 is that the learned Collector should have allowed the application for DNA test filed by respondent No.3. He contends that the Collector has erred in directing the petitioner to produce documents on record rather than directing the petitioner and Deepk to undergo DNA test. Perusal of the order impugned will demonstrate that the Collector has not taken any decision as to whether the petitioner and Deepak should be referred for DNA examination.

6. In view of the above, it is necessary to quash and set aside the order dated 25.11.2024 passed by respondent No.1/Collector. The Collector is directed to decide the application afresh after hearing the parties.

7. Needless to mention that the contention of the learned counsel for the petitioner with respect to jurisdiction of the Collector to set aside the registered deed of adoption and jurisdiction to direct the parties to undergo a DNA test is kept open.

8. Writ Petition is disposed of in view of the directions issued as above.

[ROHIT W. JOSHI, J.]