

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2772 OF 2024

Shri Panjab Motiram Rathod

Vs.

The Divisional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Shaad Firdos Mirza, Advocate for petitioner

Shri H.D. Futane, AGP for respondent Nos.1 to 3

Shri Naval Shiralkar, Advocate h/f Shri K.S. Narwade, Advocate for respondent No.4

CORAM : SMT M.S. JAWALKAR, J.

DATE : 21/01/2025

Heard learned Counsel for the petitioner and learned Counsel for respondent and State, also perused record. It is the contention of the petitioner that Mala is not the daughter of Panjab but wife of Panjab. However, wrongly entries are taken into Ekatmik Balvikar Sewa Yojna. She has also placed reliance on copy of Ration Card, wherein, Mala is shown as the wife of Panjab and having two children by name Anchal and Ranvir. She has also placed on record copy of ration card in respect of Suresh Motiram Rathod brother of Panjab. There are copies of birth certificate obtained by respondent under Right to Information Act, which also shows that Tejaswini and Sejal are daughters of Suresh brother of Panjab. However, the certificate of Tejaswini does not bear signature of Secretary of Gram Panchayat. There are school leaving certificates in respect of Tejaswini appearing on page No. 151 of record which shows that Tejaswini is daughter of Suresh.

2. As such, it is necessary to reconsider these documents and to verify the same from the concerned School or Department. Only on the basis of Attendance Register under Ekatmik Balvikas Yojna, is not sufficient to come to the conclusion that the petitioner was having more than two children. It is not appearing from the order that all these aspects are taken into consideration thoroughly by the Collector, Yavatmal. It is well settled position of law that the elected members should not be disqualified on casual enquiry. It is the duty of the Collector when there are contradictory documents on record to verify the truth by conducting thorough enquiry. As such, I proceed to pass the following order :

ORDER

1. The order dated 16/05/2023, passed by Additional Collector, Yavatmal, in ग्रा.पं. विवाद मामला क्रमांक २०४१/६९/१४ (१)ज-३/२०२१, (Narendra Rajusingh Rathod Vs. Panjab Motiram Rathod), is hereby quashed and set aside.

2. The Additional Collector, Yavatmal, is hereby directed to conduct thorough enquiry by also verifying the authenticity of ration cards and other documents placed on record.

3. The order date 04/03/2024, passed by Additional Commissioner, Amravati Division, Amravati, in अपील क्रमांक ५५/बीव्हीपी १६(२)/तुळशीनगर/२०२३, is also hereby quashed and set aside.

4. Matter is remitted back to the Additional Collector, Yavatmal, for fresh consideration, in view of above observations.
5. Parties to appear before the Collector, Yavatmal on 04/02/2025.

(SMT M.S. JAWALKAR, J.)

Jayashree..