



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.123 OF 2026

IN

WRIT PETITION NO. 1077 of 2007

Rajeshwar S/o. Damodhar More ...Applicant

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. R. N. Dhorde, Senior Advocate i/by Mr. V. R. Dhorde, Advocate
for Applicant.

Mr. P. B. Pulkundwar, AGP for Respondent/State.

Mr. V. P. Deshmukh and Mr. S. V. Deshmukh, Advocate for Respondent
No.3.

AND

REVIEW APPLICATION NO. 118 OF 2026

IN

WRIT PETITION NO. 744 OF 2007

WITH

CIVIL APPLICATION NO.7688 OF 2026

Kachrusing s/o. Santramsingh Rajput

(died) Through LRs. And Ors.

...Applicants

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. D. P. Palodkar h/f Mr. K. F. Shingare, Advocate or Applicants.

Mr. P. K. Lakhotiya, AGP for Respondent/State.

Mr. V. P. Deshmukh and Mr. S. V. Deshmukh, Advocate for Respondent
No.3.

CORAM : KISHORE C. SANT &
SUSHIL M. GHODESWAR, JJ.

RESERVED ON : 31st JULY 2026.

PRONOUNCED ON : 08th OCTOBER 2026.

ORDER :- [PER: KISHORE C. SANT, J.]

1] Heard Mr. Dhorde, learned Senior Advocate for Applicant in RA/123/2026, Mr. Palodkar, learned Advocate for Applicant in RA/118/2026, Mr. Pulkundwar and Mr. Lakhotiya, the learned AGPs for Respondent/State and Mr. V. P. Deshmukh, the learned Advocate for Respondent No.3.

2] By way of these Review Applications, the Applicants seek review of common judgment and order dated 12/06/2026 passed by this Court in Writ Petition No. 744 of 2007 and other connected matters.

3] By way of impugned judgment and order, this Court had dismissed the writ petition of the present applicants alongwith two other writ petitions, holding that the petitioners are not entitled to seek compensation and for declaration that the land acquisition proceedings dated 18/12/2006 in respect of land Gut No.128 admeasuring 52R of

village Tisgaon, Tal. and Dist. Aurangabad, has lapsed and stand cancelled. Further prayer was made to declare the proceedings of land acquisition as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further prayer was also sought that the declaration dated 10/12/1998 under Section 6(1) and Section 6(2) of the Land Acquisition Act be declared illegal and arbitrary, and accordingly be quashed and set aside.

4] The main grounds sought to be raised in the present applications are that there is an error apparent on the face of record committed by this Court in accepting the case of respondents. This Court had no occasion to independently appreciate material documents already forming part of record, such as Non-Agricultural (N.A.) permission of 1982, building permission of 1982 and 1985, and the documents showing already existing construction of the petrol pump and complex on the land even prior to the appointment of first Special Planning Authority.

5] This Court further had no occasion to appreciate the peculiar facts of the applicants' case in Writ Petition No.744 of 2007 which was heard and disposed of alongwith connected writ petitions. There, the factual aspects and the background were different which could not have been applied to the case of the present applicant. This Court failed to appreciate that the lands are lawfully developed and were covered by Board Resolution No.8657 dated 26/11/2002. There was no public purpose to acquire the land.

6] The Hon'ble Apex Court confined the scope of Writ Petition No.1077/2007 by order dated 15/03/2013 in Civil Application No.2559/2013. The order passed in the said writ petition by the Hon'ble Apex Court was wrongly considered while deciding the present writ petition when the cases are different. There was material available demonstrating that the applicants' land falls within the category of Board Resolution No.8657. The documents on record to show N.A. permission, building permissions and development of the land which were prior to the establishment of the first Special Planning Authority.

CIDCO issued notices under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) on 29/11/2006 showing the development was completed pursuant to the permission. Hence, there was no question of dismissing the writ petitions. This Court failed to appreciate the material grounds as regards non-compliance of Section 6 of the Land Acquisition Act, 1894 and the applicability of Section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is therefore prayed that the order deserves to be reviewed.

7] Mr. Dhorde, the learned Senior Advocate appearing for Applicant, vehemently argued that this Court considered paragraph Nos.15 and 16 of the judgment in Writ Petition No.744 of 2007. This judgment itself was passed on 12/06/2026, whereas the writ petition was heard and reserved for order on 17/04/2026. This Court considered the judgment in other writ petition which was delivered subsequent to the hearing i.e. WP/1077/2007. There was no question of considering the order passed in the said writ petition. This Court considered the judgment in the Writ

Petition No.10217 of 2014 in paragraph No. 17 of the judgment which was pronounced much after the pronouncement of the order sought to be reviewed. Thus, there was no question of considering said judgment. There was no question that the judgment in the case of **Eknath Punjaji Nawale Vs. State of Maharashtra and Ors.**¹ was also wrongly appreciated. He relied upon the judgment in the case of **Girnar Traders Vs. State of Maharashtra and Ors.**².

8] This Court further erred in accepting that there was proper compliance of Section 6 notification. There was no suppression of any material fact on the part of the petitioner. There was also no question of delay still that is considered. The order under Section 13-A was passed without notice to the petitioner. This Court has failed to notice the effect of Section 13-A and the fact that prescribed procedure under Section 13-A was not followed. He thus prays that review application deserves to be allowed.

9] Learned Advocate Mr. Palodkar, appearing for applicant submits that, this review application is filed mainly on the ground that the case

1 [2012 (5) Mh.L.J. 94]

2 (2011) 3 SCC 1

of the applicants/original petitioners in WP/744/2007 is different from the case of petitioners in other writ petitions. This Court, however, wrongly clubbed these matters and passed common order. He further submits that the case of the petitioners is that the petitioners are running petrol pump i.e. public utility service and that the land is also acquired for the public utility service. Since the land is acquired for public utility service, there was no need at all to acquire the land. The land is converted in the year 1989 into N.A. land by the Collector. He invited attention at page No.166-A to 166-I of the petition showing the issues involved in this petition which are not involved in the other two writ petitions. Paragraph Nos.10 to 14 of the order are not argued by the petitioner. He submits that the main thrust of the petitioners argument was that as per existing policy of CIDCO, the land of the petitioner was required to be exempted from acquisition.

10] The second submission of learned Advocate Mr. Palodkar is that in his case the petitioner had never approached the Hon'ble Apex Court. It is because in other writ petition i.e. WP/1077/2007, the petitioner had

approached Hon'ble Apex Court. In his case, a remand order was passed. It is only that case a scope was limited in terms of remand order. In his case, there was no question of having limited scope. All the points were open in his petition. This Court only by looking to the order of remand has considered even his case also like other petitions. The Hon'ble Apex Court directed this Court to consider only point of section 6 notification and other point as per order passed by the Hon'ble Apex Court. In his petition, he submits that, there is no such limitation of the petition should have been considered in on all point.

11] Mr. Deshmukh, the learned Advocate for Respondent No.3, submits that while considering the issue of delay, this Court noted that the petitioners had knowledge of the notification, as is clear from paragraph Nos.8 to 15 of the petition. This Court therefore rightly observed the same. Mr. Deshmukh further submits that though it is the case of the petitioners that the corrigendum was issued; however, it was not corrigendum it was merely correction of typographical error. This point was extensively heard by this Court. He thus submits that no case

is made out to review the order passed by this Court in WP/744/2007 and other connected writ petitions.

12] So far as Writ petition No.477/2007 is concerned, he submits that all other issues were already considered by this Court in earlier round. The same covers even the case in WP/744/2007. He thus submits that even no case made out to review judgment even in that case.

13] Having heard the learned Advocate for the respective parties. This Court finds that the petitioners were extensively heard. This Court had also considered all the aspects involved in the matter. The only error apparent is the observation in respect of consideration of the judgment of this Court in WP/10217/2014. That error appears because that writ petition was heard prior to the present writ petitions and the grounds were almost identical. The judgment was also ready in that writ petition. It is thus wrongly referred to; in fact, what the Court considered the arguments advanced in that writ petition, and therefore, that observation is wrongly made. However, entertaining this review only on that would be only rehearing of the petition again. Even if paragraph

No.17 of the judgment is not considered, nothing would turn on it and no different case is made out even if paragraph No.17 is deleted, nor can a different conclusion would be arrived at.

14] The Hon'ble Apex Court in a very recent judgment in the case of *Malleeswari Vs. K. Suguna and Anr.* [2025 INSC 1080] in Civil Application arising out of SLP (C) No. 12787 of 2025, has laid down the parameters for entertaining the review application. Paragraph No.15 of the said judgment reads as under:-

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1. The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC. [*Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170].

15.2. Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.[*Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, (1979) 4 SCC 389].

15.3. In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it

is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise. [*Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715].

15.4. The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power. [*Lily Thomas v. Union of India*, (2000) 6 SCC 224].

15.5. The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. [*Inderchand Jain v. Motilal*, (2009) 14 SCC 663] Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.[*Shivdev Singh v. State of Punjab*, AIR (1963) SC 1909].

15] The scope of review jurisdiction is also considered in paragraph No.17 of the said judgment which reads as under:

“**17.** Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1. The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2. Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record.⁸ Such an error is a patent error and not a mere wrong decision.⁹ An error which has to be established by a long-drawn process of reasoning on points where

there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. [*Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale*, AIR (1960) SC 137].

17.3. Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories. [*Chhajju Ram v. Neki*, 1922 SCC OnLine PC 11 and approved in *Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius*, AIR (1954) SC 526].

16] Keeping in view the ratio and the findings in ***Malleeswari Vs. K. Suguna and Anr.***, (supra), the present review application falls short in making out a case to entertain the review application.

17] So far as WP/744/2007 is concerned, this Court finds that the issue is already covered that the court has considered all the aspects involved in the petition. The Hon'ble Apex Court while remanding the matter had kept the order of this Court intact except for the point on which the petition was remanded. Earlier observation by this Court in the case petitioner in WP/1077/2007 are thus intact and in that view even if the petition No.744/2007 considered independently.

18] Learned Senior Advocate Mr. Dhorde at last made a submission that the petitioners are ready to give the land without affecting the land

which is actually put to use. He ultimately submits that if at all the review application is not allowed, the interim arrangement be continued for a period of eight (8) weeks as it was continued in writ petition.

19] In both these review applications, this Court has considered the submissions of Hon'ble Apex Court in judgment in the case of *Malleeswari Vs. K. Suguna and Anr.* (supra) has discussed the scope of the review jurisdiction and the parameters for entertaining the review application.

20] Considering above, Review Applications stand dismissed and disposed off accordingly. Paragraph No.17 of order dated 12/06/2026 passed by this Court in WP/744/2007 stands deleted and corrected order be uploaded again.

21] Interim arrangement to continue for a period of eight (8) weeks from today.

22] Pending applications if any also stand disposed off.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]