

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

**REVIEW APPLICATION NO. 17 OF 2014
IN
WRIT PETITION NO. 6780 OF 2013**

Ibrahim Badshah Shaikh .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri R. R. Mantri, Advocate h/f Shri R. R. Sancheti, Advocate for the Applicant.

Smt. Y. M. Kshirsagar, A.G.P. for Respondent Nos. 1 to 4.

Shri S. S. Jadhavar, Advocate for the Respondent No. 5.

CORAM : S. V. GANGAPURWALA, J.

DATE : 29TH APRIL, 2015.

PER COURT :

. Mr. Mantri, the learned counsel for the review applicant submits that, this Court while disposing of the writ petition only considered the entitlement of the present review applicant, however, has not considered the public interest. So also right of the applicant/petitioner for reallotment of forfeited property has not been considered while disposing of the writ petition. According to the learned counsel, pursuant to the order dated 05.01.2008 passed by the Collector, Ahmednagar, a consequential order is passed on 27.02.2009 giving effect to the said order. The

order of the Collector was set aside by the Commissioner and the Hon'ble Minister failed to consider said aspect.

2. Mr. Jadhavar, the learned counsel submits that, order dated 27.02.2009 was not subject matter of challenge in any proceedings, nor in the writ petition. The petitioner does not have any *locus standi*, nor has any right in the property.

3. I have heard the learned Assistant Government Pleader also.

4. While disposing of the writ petition, this Court has observed that, the petitioner, nor his predecessors were allotted the land on old or new tenure basis. It was only on Eksala Laoni basis that petitioner and his predecessors were cultivating the land. In the year 1961 the land was allotted to Laxman on new tenure basis. The sons of Laxman sold the property in favour of the respondent No. 5. It was also observed that, even the Commissioner who had allowed the revision by setting aside the order of Collector has observed that the petitioner could not prove his case.

5. In the light of the above, the case as was put forth by the petitioner in the writ petition was considered while disposing of the writ petition. As far as order dated 27.02.2009 (Exhibit R - 4)

is concerned, the same was not subject matter of challenge before any of the forum. As such, said order dated 27.02.2009 is not dealt with while disposing of writ petition.

6. In case parties have any grievance in respect of said order and if the provisions of law permit, the aggrieved party can assail the same. The review application as such stands dismissed. No costs.

[S. V. GANGAPURWALA, J.]

bsb/April 15