

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.38 OF 2012
IN
WRIT PETITION NO.688 OF 2011**

Krantisingh Nana Patil Ghauk
Bhajipala Vyapari Sangh & Anr.

..... Review Petitioners

V/s

Municipal Corporation of Greater
Mumbai & Ors.

..... Respondents.

Mr. Sean Wassoodew for the Petitioners
None for the Respondents.

**CORAM: V. M. KANADE &
R. G. KETKAR, JJ.**

DATE: 21st October, 2015

P.C.:- (In Chamber at 2.35 P.M.)

1. This Review Petition is filed for review of the order dated 26th July, 2011 passed by the Division Bench. From the record, it appears that the Petitioners had filed one more Petition viz Writ Petition No.1231 of 2002. The said Writ Petition, however, was allowed to be withdrawn and thereafter main Writ Petition No.688 of 2011 was filed challenging the same order dated 15/03/2002. The order under review, however, records that the Petitioners have challenged the notice dated 05/03/2011 and it has been further observed that the said notice is a show cause notice. The Division Bench, therefore, has come to the conclusion that show cause notice cannot be entertained.

2. From the main Writ petition, it appears that the Petitioners had not challenged the show cause notice dated 05/03/2011 but they had challenged the communication dated 15/03/2002. It is obvious that there is a clear error of law apparent on the face of record and, therefore, the the order under review dated 26th July 2011 passed in Writ Petition No.688 of 2011 is recalled and Writ Petition is restored to the file. It is, however, clarified that the question of maintainability of the second Petition after the first Petition was withdrawn will have to be decided by the Regular Court.

3. Review Petition is accordingly allowed and disposed of. Place the Writ Petition No.688 of 2011 before the Regular Court.

(R.G. KETKAR, J.)

(V.M. KANADE, J.)