

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

**915 CIVIL APPLICATION NO. 1340 OF 2005
IN
SA/332/2001**

HARIHAR RUSTUMRAO VANJE

VERSUS

STATE OF MAHA & ORS

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Ms. Manjushri V.Narwade h/f

Mr. P.R.Katneshwarkar, Advocate for applicant.

Mr. S.P.Sonpawle, A.G.P. for R – 1 & 2.

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CORAM : T.V.NALAWADE, J.

DATE : 8th JUNE, 2016

ORAL ORDER :-

. The application is filed for review of the order passed by this Court in Second Appeal No. 332 of 2001. This Court has dismissed the Appeal by holding that no substantial question of law as such is involved. Heard both sides.

2. The Suit was filed by the applicant for relief of declaration that the order made by the Collector, by which allotment order is cancelled, is null and void and is dismissed. The relief of injunction was also claimed but that relief is also

not given.

3. It is the case of the applicant that plot admeasuring 30 x 30 ft. was allotted to him by the Tahsildar and he had applied for making construction over it. The Village Panchayat refused to grant such permission. Then the collector cancelled the allotment. In view of the order made by the collector, possession of the suit plot was already taken over by the Govt.

4. The only grievance of the applicant is that necessary procedure was not followed before cancelling the allotment. This point is considered by the Courts below and this Court also. It is contended in the present application that substantial question of law can be formulated as necessary procedure was not followed by the first appellate Court as provided under Order XLI Rule 31 of the Code of Civil Procedure. This point is also considered by this Court. Order is made by this Court holding that no substantial question of law as such is involved in the matter. This Court holds that there is no scope to the review. Hence, the application is rejected. Separate number is to be given to the Review Application.

5. Civil Application including prayer of stay stands disposed of.

[T.V.NALAWADE, J.]

