

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

**REVIEW APPLICATION NO. 67 OF 2016
IN
WRIT PETITION NO. 1368 OF 2016**

Chief Officer, Municipal Council,
Beed

.. Applicant

Versus

Abdul Khaleq Painter S/o
Mohammad Musa and others

.. Respondents

Shri Girish K. Thigale (Naik), Advocate for the Applicant.
Shri P. D. Suryawanshi, Advocate for the Respondent No. 1.
Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA
A.I.S. CHEEMA, JJ.
DATE : 03RD MAY, 2016.**

PER COURT :

. The present application for review is filed in respect of order dated 11.03.2016 passed in Writ Petition No. 1368 of 20016. Vide the order dated 11.03.2016, we had directed the respondent No. 2 in the writ petition that is the Divisional Commissioner, Aurangabad to take decision in accordance with law on the report submitted to it by the Enquiry Committee.

2. Mr. Thigale, the learned counsel for the review applicant submits that, prior to the order being passed by this Court on

11.03.2016, the Divisional Commissioner had already taken decision on 23.02.2016 directing special audit. However, this fact was not brought to the notice of this Court by the learned Assistant Government Pleader or learned counsel for the petitioner. The original writ petitioner is trying to take undue advantage of the said order being passed by this Court.

3. The learned counsel for the present non applicant No. 1/original writ petitioner submits that, the original writ petitioner was not aware of any order being passed by Divisional Commissioner on 23.02.2016. In fact, the A. G. P. was having knowledge of the said order. The learned A. G. P. did not state anything in respect of said order.

4. We have perused the order of the Divisional Commissioner which is at Exhibit - B of the present review application.

5. The order is already passed by the Divisional Commissioner and if this fact would have been brought to the notice of this Court, the order dated 11.03.2016 would not have been passed.

6. Considering the above, the order dated 11.03.2016 is reviewed and recalled. The Writ Petition No. 1368 of 2016 stands

disposed of in view of the fact that the respondent No. 2/Divisional Commissioner in the writ petition had already taken cognizance of the report submitted to him and has passed an order directing special audit. With these observations the writ petition and review application are disposed of.

7. We have disposed of this petition only on the premise that order is already passed by the Divisional Commissioner, however, we have not dilated on the merits of the order of the Divisional Commissioner or his authority.

[A.I.S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 16