

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.907/2016

**3 CIVIL APPLICATION NO. 907 OF 2016
IN RAST/35802/2015**

THE CHIEF EXECUTIVE OFFICER ZP BEED AND ANOTHERS
VERSUS
NAMDEV TUKARAM SASANE AND ANOTHERS

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Advocate for Applicants : Mr. Aghav Avinash D
AGP for Respondent State: Mr. S.K.Tambe

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: February 08, 2016

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PER COURT :-

1. Heard Counsel appearing for the applicant on condonation of delay, and also on the merits of the review application. Learned Counsel appearing for the review applicant submits that, during the course of hearing when the Writ Petition No.106/2015 was heard and decided, Government Resolution dated 26th June, 2015, issued by the Rural Development and Water Conservation Department of the Government of Maharashtra was not brought to the notice of this Court.

2. We have considered the submission of the Counsel appearing for the review applicant. Perused the contents of the application for condonation of delay, and also the reasons assigned by this Court while passing the order under review dated 13th April, 2015, in Writ Petition No.106/2015. While disposing of the said writ petition, reliance was placed on the judgment and order

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in Writ Petition No.5501/2018 (Sharad s/o Vishnu Mali Vs. The State of Maharashtra). It is settled law that the second coordinate Bench, sitting in combination of same strength of Judges, has to follow the judgment, which is governing the field at the relevant time. Therefore, keeping in view the ratio laid down in the judgment and order passed by the Division Bench of this Court in Writ Petition No.5501/2008, in the case of Sharad s/o Vishnu Mali Vs. The State of Maharashtra, the Writ Petition No. 106/2015 was allowed and disposed of.

3. In the light of the above, for the reasons stated in the application, delay in filing the application is condoned. However, we do not find any reason to interfere on merits in the Review Application.

Hence, the application for condonation of delay is allowed and the Application seeking review of the order dated April 13th, 2015, stands rejected.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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