

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO.10399 OF 2015
IN
WRIT PETITION NO.1215 OF 2015
WITH
CIVIL APPLICATION (ST) NO.10401 OF 2015
IN
REVIEW PETITION (ST) NO.10399 OF 2015**

Shri Anand Bapu Phadtare & Others Petitioners.

V/s

The Divisional Commissioner
Pune Division Pune and Others Respondents.

Mr. Dilip Bodake for the Petitioners.
None for the Respondents.

**CORAM: V. M. KANADE &
MRS MRIDULA BHATKAR, JJ.**

**DATE: 25th August, 2016
(In Chamber at 2.35 P.M.)**

P.C.:-

1. Heard the learned Counsel for the Petitioners.
2. It is submitted that in the order under review dated 11/03/2015 it is mentioned that Divisional Commissioner has heard the matter and dismissed the same. It is however submitted that, in fact, one

Divisional Commissioner had heard the matter but he was transferred and the another Divisional Commissioner decided the matter without giving fresh hearing to the Petitioner.

3. We do not find any substance in the said submission made by the learned Counsel for the Review Petitioner. Firstly, this Court has, by giving cogent reasons, dismissed the Petition wherein Notification under Section 6 of the Land Acquisition Act was challenged. It is an admitted position that the Award has already been passed and it has also been upheld by this Court. Divisional Commissioner does not have any statutory appellate power to re-examine the issue in respect of the Award which was already passed. Therefore, in our view, no ground is made out for reviewing the order passed by us.

4. Review Petition is dismissed, reserving the right of the Petitioners to challenge the order passed by this Court in the Apex Court. Since Review Petition itself is dismissed, Civil Application taken out therein does not survive and the same is also disposed of.

(MRIDULA BHATKAR, J.)

(V.M. KANADE, J.)