

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION (ST.) NO. 22418 OF 2016
WITH
CIVIL APPLICATION (ST.) NO. 22989 OF 2016
IN
PUBLIC INTEREST LITIGATION (ST.) NO. 32152/2015**

Chandrakant Gulab Sasane

.. Petitioner

Versus.

State of Maharashtra and Ors.

.. Respondents

.....

Mr. Pratap B. Kakade for the Petitioner

Mr. Pramod Kathane, AGP for Respondent Nos. 1 to 3

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.****DATE : 30 SEPTEMBER 2016.****P.C.:**

1. Heard Mr. Pratap P. Kakade learned counsel for the petitioner and Mr. Pramod Kathane, learned AGP for respondent Nos. 1 to 3.

2. These two Civil Applications have been taken up in Public Interest Litigation (St.) No.32152/2015. By order dated 8th August, 2016, this court, disposed of the Public Interest Litigation. At paragraph 4 & 5 of the order dated 8th August, 2016, this court has observed thus:

“4. In view of aforesaid, we do not find any ground to entertain this Public Interest Litigation. Since the matter is already pending in the Appeal before S.D.O., Maval, we direct the S.D.O., Maval to decide the Appeal filed at the instance of some of the villagers as expeditiously as possible.

5. With the aforesaid, Public Interest Litigation stands disposed of.”

3. Civil Application (St.) No. 22418/2016 was instituted on 10th August, 2016 i.e within two days from the date of disposal of the Public Interest Litigation. The reliefs applied for in the Civil Application are virtually the same as the reliefs applied for in the main petition.

4. The Civil Application (St.) No. 22989/2016 was taken up on 18th August, 2016. The prayers in the Civil Application are perused, it will be evident that the prayers similar to those applied for in the disposed of public interest litigation, have once again been applied for.

5. In our opinion, Civil Applications of such nature are not at all maintainable in a petition which is already disposed of. By these Civil Applications, the applicant i.e original petitioner neither seeks any review nor seeks any variation in the order dated 8th August, 2016 by which the Public Interest Litigation came to be disposed of. Rather, the applicant, by these Civil Applications, seeks virtually the same reliefs which were applied for in the Public Interest Litigation. This is impermissible. Either, the petitioner is not well advised or the petitioner is interested in simply abusing the process of Public Interest Litigation.

6. That apart, we are satisfied that the issue raised would involve adjudication into disputed question of fact which cannot be undertaken in the exercise of such extra ordinary jurisdiction. The applicant and the farmers whose cause the petitioner purports to espouse appear to be dis-satisfied with the order dated 8th March, 2016 made by the Tahasildar Maval. As recorded in the order dated 8th August, 2016, there is already appeal pending before the S.D.O. Maval, in which the order dated 8th March, 2016 made by the Tehsildar is under challenge. By order dated 8th August, 2016 we have already expedited the hearing of the said appeal.

7. We are of the opinion that the issue already decided by the order dated 8th August, 2016 cannot be re-adjudicated on the basis of such civil applications. We direct the S.D.O. Maval to decide the pending appeal against the order dated 8th March, 2016 made by the Tahasildar within two months from the date of receipt of authenticated copy of this order.

8. Civil Applications are accordingly disposed of with aforesaid directions.

9. All concerned to act on the basis of authenticated copy of this order.

CHIEF JUSTICE

(M.S.SONAK, J.)