

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.289 OF 2015
IN
REVIEW PETITION (STAMP) NO.34787 OF 2015
IN
WRIT PETITION NO.3758 OF 2011

The Collector of Pune & Ors. Applicants

V/s

Sakharam Tukarm Shivekar & Anr. Respondents

Mr. Niteen P. Deshpande, AGP for the Applicants/State.

Mr. Gaurav Potnis i/b Mrs. P.H. Potnis for the Respondents.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATED : 27 OCTOBER 2016

ORDER:

1 Heard the learned AGP for the Applicants and the learned Counsel appearing for the Respondents.

2 This is an Application for condonation of delay in filing the Review Petition.

3 Large number of Writ Petitions were filed in this Court by the persons who are claiming to be the project affected persons of Bhama

Askhed Irrigation Project. Large number of orders have been passed by this Court dealing with such Petitions. The Petition for Review is of the order dated 14 January 2013 passed in Writ Petition No.3758 of 2011 filed by the present Respondents. The issue which is mainly canvassed in the Review Petition is that there is an error apparent on the face of the record inasmuch as without making an adjudication on the question whether the Writ Petitioners are really the project affected persons, a direction cannot be issued to serve a notice to the Petitioners under clause (a) of sub-section (2) of section 16 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

4 The issue raised in the Review Petition goes to the root of the matter and therefore, by adopting justice oriented and liberal approach, the delay will have to be condoned. We must note here that this Application along with Review Petition was on board from time to time and this Court had given the parties to understand that if the delay is condoned, Review Petition will be immediately taken up for hearing.

5 Accordingly, sufficient cause is made out. Rule is made absolute in terms of the prayer clause (a).

(A.A. SAYED, J.)

(A.S. OKA, J.)