

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 5 OF 2016
IN
WRIT PETITION NO. 8549 OF 2015

Anil Meghraj Wadhare	.. Petitioner (Ori. Resp No.3)
<u>In the matter between :</u>	
Abdul Kayum Baroodgar	..Respondent (Ori. Petitioner)
vs.	
State of Maharashtra & Ors.	..Original Respondents

Mr. Umesh Tawari i/b. S. Ashwinikumar & Co. for Petitioner.
Ms Pratibha Shelke i/b. Mr. P. J. Thorat for Respondent / Original
Petitioner.
Ms Bane – 'B' Panel Counsel for Original Respondent Nos. 1 and 2
– State.

CORAM : M. S. SONAK, J.
DATE : 10 MARCH 2016

P.C :

- 1] Heard the learned counsel for the parties.
- 2] Upon perusal of the order dated 8 December 2015, of which review is applied for, it is quite clear that the order was made on the basis that the circular dated 25 April 2014, which was relied upon in the order dated 13 April 2015 had already been withdrawn. The statement to this effect was made by the learned AGP relying upon the letter dated 18 September 2015 addressed by the Deputy Commissioner (Revenue) Konkan Division to the Government Pleader.

3] Upon perusal of the letter dated 18 September 2015, it transpires that what is stated in the said letter is that communication dated 2 May 2012 was withdrawn by the circular dated 25 April 2014. This means that the letter dated 18 September 2015, is not a communication to state that the circular dated 25 April 2014 has been withdrawn.

4] From the aforesaid, it is quite clear that an error, apparent on the face of record is crept into the order dated 8 December 2015. This is therefore, a fit case to exercise review jurisdiction and recall the order dated 8 December 2015. Accordingly, the order dated 8 December 2015 is hereby reviewed and recalled. The directions issued in the order dated 8 December 2015, are consequently recalled.

5] The writ petition no. 8549 of 2015 is accordingly restored and shall be now placed for admission before the appropriate bench.

6] The review petition is allowed in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)