

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8096 OF 2010
(Babasaheb Bajirao Shirsath Vs. The State of Maharashtra and
others)

Mrs.M.A.Deshpande, Addl.G.P. for respondent Nos. 1 and 2.
Mr.S.K.Shinde, Advocate for respondent Nos.5 and 6.

(CORAM : RAVINDRA V. GHUGE AND
SUNIL K. KOTWAL, JJ.)

DATE : 06/11/2017

PER COURT :

1. By order dated 30/10/2017, we had noted the absence of the learned Advocate for the petitioner. The matter was posted today for "passing orders" on dismissal.

2. None appears for the petitioner.

3. We have considered the prayers put forth by the petitioner. By prayer clause 18-B, the petitioner makes a request that this Court should conduct a roving inquiry. By prayer clause 18-C, the petitioner prays that the request application dated 06/01/2010 be decided by respondent No.2.

3. We are not inclined to consider prayer clause 18-B.

4. We are informed that the contentions put forth by the petitioner in this petition, who is the cousin brother of the owner of the land at issue, had already been raised in a reference before the LAR Court and the dispute has been adjudicated upon. Once a competent Court has decided the dispute, the request application of the petitioner, who has no nexus with the cause of action, cannot be gone into by respondent No.2, which would amount to, if granted, causing a re-hearing in the matter.

5. In this view of the matter, we are not inclined to consider prayer clause 18-C. This petition is, therefore, dismissed.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)