

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8474 OF 2016

(Gangadhar Laxman Bomble and others Vs. The State of
Maharashtra and others)

IN

REVIEW APPLICATION STAMP NO.12602 OF 2016

IN

WRIT PETITION NO.1836 OF 1998

WITH

WRIT PETITION NO.5888 OF 2016

Mr.S.V.Kurundkar, Advocate for the applicants.

Mr.S.M.Ganachari, AGP for respondent Nos. 1 to 5.

Mr.H.I.Pathan, Advocate for respondent Nos. 3 to 6, 8 to 10 in WP
No.5888/2016.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/12/2017

PER COURT :

1. I have heard the strenuous submissions of the learned Advocate for the applicants / original petitioners in WP No.827/1997 and who are the LR's of original petitioners in WP No.1836/1998.

2. Since WP No.827/1997 has been disposed of by order dated 11/04/1997 and as WP No.1836/1998 was decided by order dated 23/10/2008, a single review petition cannot be filed in 2 independent writ petitions. Similarly, the civil application in hand will therefore be restricted to the review application filed with reference to the order

dated 11/04/1997 in WP No.827/1997.

3. Considering the submissions of the learned Advocate for the applicants who has taken me through the record and the report of the Revenue Authorities, I have perused the civil application seeking condonation of delay of 19 years.

4. By order dated 11/04/1997, this Court has disposed of the writ petition by directing the Government to give a fresh choice to the petitioners immediately and the petitioners were directed to give their choice for delimiting the surplus land from the respective gat numbers. If the choice was not given by the petitioners or if the Government found for any other reason that it is not possible to accept the choice of the petitioners, it would reject the choice expressed by the petitioners.

5. In the entire civil application, the applicants have nowhere stated as to when did the Government call for the original petitioners to express their choice and when did the petitioners put forth their choice pursuant to the directions of this Court in its order dated 11/04/1997.

6. It cannot be ignored that the Government as well as the petitioners were directed to act in a particular manner by the order dated 11/04/1997. What has actually transpired after the order dated 11/04/1997 and the directions issued thereunder, has nowhere been stated in the application.

7. Considering the above, I do not find that any reasons are put forth for seeking a condonation of 19 years for filing the review application. The civil application is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)