

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

**REVIEW APPLICATION NO.218 OF 2017
IN
WRIT PETITION NO.9167 OF 2016.**

Marotrao S/o Narayanrao Pisal ... Petitioner.

Versus

Nandkumar and others. ... Respondents.

...

Mr.Pravin Mandlik, Senior advocate holding for
Mr.P.S.Anerao, advocate for the Petitioner.
Mr.Ghatol Patil, advocate for Respondent No.1.
Mrs.A.V.Gondhalekar, Additional Government
Pleader for the State.

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**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 14.08.2017.

PER COURT :

1. Heard Mr.Mandlik, Senior advocate holding for Mr.P.S.Anerao, advocate for the petitioner, Mrs.Gondhalekar, learned Additional Government Pleader for the State and Mr.Ghatol

Patil for Respondent No.1.

2. Review is sought of the order dated 3.8.2017.

3. The gravamen of the contention of the petitioner/Review applicant is that when the order dated 3.8.2017, was being passed, it was not brought to the notice of this Court that the present applicant has already filed an appeal against the order of the Additional Collector before the Commissioner. The appeal is already filed before the Commissioner on 4.7.2017, however, as the advocate of the present applicant had filed a leave note, this fact could not be brought to the notice of the Court.

4. Mr.Ghatol Patil, learned counsel submits that the present non-applicant No.1 did not have any notice of the appeal being filed by the Review Applicant. The order of the Court is only to execute the orders already passed of recovery.

5. This Court in its order dated 3.8.2017, had directed that the amount of penalty as confirmed by the Additional Collector be recovered in accordance with law. It should be recovered as expeditiously as possible and within a period of three (3) months.

6. The said order states that the penalty is to be recovered in accordance with law, meaning thereby if there is any judicial or quasi-judicial order passed in the proceedings, the order of recovery would be subject to the orders passed in the said proceedings.

7. If any judicial/quasi-judicial authority in appropriate legal proceedings passes any order, the order of recovery would be subject to the said order. Needless to state till any such prohibitory orders are passed, the authorities are entitled to execute the order of this Court.

8. Review Petition accordingly stands

disposed of.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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