IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION STAMP NO.1299 OF 2017
IN
WRIT PETITION NO.12291 OF 2016

Shantaram Gangaram Telap and others ..Petitioners
Versus
The Dy. Collector (Evi/Enc.) and others ..Respondents

Mr. V. R. Garad a/w Mr. S. V. Talekar for the Review Petitioners.
Mr. Bipin Joshi a/w Mr. Prayag Joshi for the Respondent No.3.
Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 & 4.

CORAM : R. M. SAVANT, J.
DATE : 25th JANUARY, 2017

P.C.

1 By an order passed today in Civil Application No.21 of 2017, the delay in filing the above Review Petition is condoned. The Review Petition is accordingly taken up for hearing.

2 By the above Review Petition, review is sought of the order dated 29.11.2016. The review is sought on the ground that the Respondent No.3 herein has not forwarded the agreements which are to be executed by the Review Petitioners with the Respondent No.3. The seven Review Petitioners were the original Petitioners in Writ Petition No.12291 of 2016 which came to be disposed of by this Court by order dated 29.11.2016. The two features of the said order which are relevant

in so far as the above Review Petition is concerned, is that the Petitioners were to execute the agreements with the Respondent No.3, Integrated Spaces Limited within one week from date of the order. The second feature was that the Petitioners were to be paid Rs.12,500/- as transit rent from the date they vacate their structures so as to facilitate the implementation of the slum rehabilitation scheme.

3 The Learned Counsel for the Respondent No.3 Mr. Bipin Joshi states that the original Petitioner No.8 Tanai Raoji Mundhe has executed the agreement in terms of the said order dated 29.11.2016. The said fact is not disputed by the Learned Counsel for the Review Petitioners Mr. V. R. Garad. However he states that the agreements were not forwarded to the Review Petitioners.

4 Upon this, the Learned Counsel Mr. Bipin Joshi appearing for the Respondent No.3 draws this Court's attention to the correspondence i.e. letters addressed by the Respondent No.3 to the Review Petitioners as also points out that the agreements have been ready for execution since long, but the Review Petitioners are not coming forward to execute the said agreements.

5 The Learned appearing for the Review Petitioners Mr. V. R.

Garad would then submit that time to vacate the structures be extended upto 15.02.2017.

6 This seems to be the undercurrent to the filing of the instant Review Petition as the Review Petitioners somehow or the other want to continue on the site in question for the reasons best known to them. This obviously cannot be permitted. The review jurisdiction of this Court cannot be invoked to stall the execution of an order which has been passed as long back as on 29.11.2016. Having regard to the ground made out by the Petitioners, no case for review is made out. The Review Petition is accordingly dismissed.

7 However the Petitioners would be free to approach the Respondent No.3 for execution of the agreements which the Learned Counsel for the Respondent No.3 assures would be done as also for the payment of Rs.12,500/- per month, which would be made from the date on which the Petitioners vacate their structures.

[R.M.SAVANT, J]