

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1298 OF 2017
IN
WRIT PETITION NO. 6620 OF 2012**

Genba Laxman Pawagi and ors.	.. Applicants.
In the matter between	
Genba Laxman Pawagi	..Petitioner
V/s.	
State of Maharashtra and ors.	.. Respondents.

Mr. Gaurav Potnis with Mr. Ashok Joshi i/b Ms Pallavi Potnis for the Applicants.

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.
DATE : 15 JUNE 2017.**

P.C.

1] In the batch of petitions, which were disposed of by common judgment and order dated 2 March 2017, learned counsel for the parties had agreed that Writ Petition No. 6620 of 2012 be treated as lead petition. Accordingly, Writ Petition No. 6620 of 2012 was treated as a lead petition and the facts as obtained in the said petition were exhaustively set out in the common judgment and order.

2] By this civil application, the applicants point out that since the lands allotted to the petitioners in the lead petition bearing Writ Petition No. 6620 of 2012 were at Shedgewadi , the common judgment and order makes reference to the allotment of lands only at Shedgewadi. However, they point out that in some of

the connected petitions, which have also been disposed of by common judgment and order, the lands were allotted to the petitioners in the villages Andori, Bhade, Wathar, Shekmerwadi, Morve, Karadwadi, Suraudi and Waghoshi apart from Shedgewadi. They point out that the Right Bank Canal, which is referred to in the common judgment and order to pass through the villages of Andori and Bhade, is also supposed to pass through the villages of Morve, Bhade, Karadwadi and Wagoshi. The distributaries are also to pass through the remaining villages of Wathar, Shedgewadi, Andori, Suraudi and Shekmerwadi. Accordingly, they submit that this aspect may be clarified, so that, the final directions in the common judgment and order may not be taken as applicable only to village Shedgewadi.

3] We have heard learned counsel for the parties.

4] In disposing of batch of petitions, by common judgment and order dated 2 March 2017, by common consent, Writ Petition No. 6620 of 2012 was treated as lead petition, since, it was represented that the basic facts and issues in all petitions, is substantially same. It is for this reason, that there is no reference to lands in other villages in the vicinity , where, some of the petitioners, may have been allotted lands by way of rehabilitation. Accordingly, we clarify that the directions issued in the common judgment and order dated 2 March 2017 are not restricted to or may not be construed as restricted only to the village Shedgewadi, but, would also include other villages like Andori, Bhade, Wathar,

Shedgewadi, Shekmerwadi, Morve, Karadwadi, Suraudi and Waghoshi, where, some of the petitioners may have been allotted lands by way of rehabilitation. Needless to add that this is on the basis that the facts and circumstances, as obtaining in such other petitioners are similar to the facts and circumstances as obtained in lead petition, i.e., Writ Petition No. 6620 of 2012. Similarly, the directions issued, will also apply in respect of Right Bank Canal or its distributaries, which pass through such villages. With such clarification, the civil application is disposed of.

5] The civil application is disposed of in the aforesaid terms.

(CHIEF JUSTICE)

(M.S.SONAK, J.)