

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLN. (W) NO. 982 OF 2017

IN

WRIT PETITION NO. 1358 OF 2016 (D)

Prof. Prabhakar Kashinath Shende and others

-VS-

The State of Maharashtra, thr.its Chief Secretary, Ministry of Urban Development and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Rahu Dhande, counsel for the applicants.
Mr.K.L.Dharmadhikari, AGP for the respondent Nos.1 to 3.
Mr.K.Deogade, counsel for the respondent No.5.

CORAM : SMT. VASANTI A NAIK &
V. M. DESHPANDE, JJ.

DATE : 14.07.2017.

By this civil application, the applicants seek a recall of the order dated 03/05/2016 in Writ Petition No.1358 of 2016.

We find that the applicants are vexing the court time and again, inasmuch as the writ petition filed by the applicants (petitioners) was dismissed by an order dated 03/05/2016. The said order was challenged by the applicants before the Hon'ble Supreme Court in a special leave petition. Since a statement was made before the Hon'ble Supreme Court on behalf of the applicants that a ground raised before the High Court at the time of hearing was not considered while dismissing the writ petition, the Hon'ble Supreme Court permitted the applicants to withdraw the special leave petition and file an appropriate application seeking a review of the order dated 03/05/2016. The review application filed by the applicants bearing Miscellaneous Civil Application No. 873 of 2016 was dismissed with costs. After the review application was dismissed by the order dated 02/09/2016, the applicants filed a special leave petition before the Hon'ble Supreme Court, which was permitted to be withdrawn on 02/01/2017. After withdrawing the special leave petition, the

applicants have again approached this court with an application for recalling the order dated 03/05/2016 in Writ Petition No.1358 of 2016.

We find that the applicants have abused the process of the court by filing the review application as also the present application for recalling the order dated 03/05/2016 in Writ Petition No.1358 of 2016. After the review application was dismissed, the applicants had approached the Hon'ble Supreme Court and the applicants were permitted to withdraw the special leave petition without any liberty. After the applicants did not succeed before the Hon'ble Supreme Court, the applicants have again filed the present application for seeking a recall of the order dated 03/05/2016. Though the order dated 03/05/2016 that is sought to be recalled records reasons for rejecting the submissions canvassed on behalf of the applicants, the applicants have filed the application for recalling the order dated 03/05/2016 after the review application was dismissed. It appears that the applicants are vexing the court, time and again in respect of the issue that was decided by this court, by the order dated 03/05/2016 while dismissing the petition.

In the circumstances of the case, we dismiss the application for recall of the order dated 03/05/2016 with costs.

JUDGE

JUDGE