

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

**CIVIL APPLICATION NO. 7267 OF 2015
IN RAST/10869/2015**

**AB WAHAB HAJI ABDUL REHEMAN, LRS GULAM AHMAD WAHAB AND
OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

Mr.S.K.Adkine, Advocate for the petitioner.
Mr.S.P.Sonpawale, AGP for the respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 11.09.2018**

P.C. :-

Mr.Adkine, learned counsel submits that, at the time when this Court dismissed the Writ Petition under order dated 23.04.2014, the petitioner was not in possession of the measurement map. The measurement was carried out in the year 2007. In the measurement map, it clearly shows that 2000 sq.meters area is affected under the road. This Court dismissed the Writ Petition on the ground that there is no measurement on record. As the measurement now is on record, this Court can consider the aspect of the land being affected to the extent of 2000 sq.meters in the road. According to the learned counsel this is an error apparent on face on record.

2. We have heard the learned AGP.
3. The petitioners are the purchasers of the land

in the year 1968. The State had filed an affidavit stating that the highway has been notified in the year 1967 and the land was acquired with the consent of the original owners.

4. We had under order dated 23.04.2014 in Writ Petition No.2063 of 2006 observed that we would not embark upon investigation of disputed questions of fact. The affidavit filed by the respondent State specifically states that the highway was constructed and the area taken in its possession with the consent of the original owner. The highway was declared in the year 1967. The petitioner is a subsequent purchaser of the land.

5. Considering the above there is no error apparent on face of record. The review as such is dismissed. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]