

(1)

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

**CIVIL APPLICATION NO.4956 OF 2018
IN/WITH
REVIEW APPLICATION (ST.) NO.10983 OF 2018
IN
WRIT PETITION NO.8904 OF 2017**

Vyankatesh Khadi Kendra,
Through Proprietor
Prakash Bajirao Phad,
Age: 47 years, Occu: Business,
R/o. Haknakwadi, Tq Udgir,
Dist. Latur

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Collector,
Collector Office, Latur,
2. The Tahasildar,
Tahasil Office, Udgir
3. Circle Officer,
Nalgir Circle, Tq. Udgir
4. District Mining Officer,
Collector Office, Latur

..RESPONDENTS

Mr R. P. Adgaonkar, Advocate for applicant;
Mr S. W. Munde, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 14th June, 2018

ORAL ORDER:

By the present application, applicant prays for condonation of delay

(2)

caused in filing application seeking review of the order dated 13th July, 2017, passed by this Court in Writ Petition No. 8904 of 2017.

2. Learned Counsel appearing on behalf of the applicant submitted that as the applicant-petitioner had filed another petition and was prosecuting the same, it consumed some time. Ultimately, the petitioner sought withdrawal of the said petition and thereafter seeking advice, the instant application seeking review has been filed. Thus, the submission is that the delay caused is for bona fide reasons and same is unintentional.

3. Though learned A.G.P. opposes the application, for the reasons stated in the application and in view of the submission of the learned Counsel for the applicant, we allow the civil application and condone the delay.

4. With the consent of the parties, review application is taken up for final disposal.

5. The only ground raised in the review application is that the applicant-petitioner was not aware of Government Circular No.10/0316/pr.kr.204/kh, dated 14th June, 2017. It is submitted that the said Government Circular permits the licensee to continue mining activity subject to deposit of certain amount.

(3)

6. It is the settled position of law that the scope of review application is very limited one. It is not the case of the applicant that there is any error apparent on the face of the record occurred while disposing of the writ petition by an order dated 13th July, 2017. The said order was passed by the Division Bench of this Court on an undertaking given by the applicant-petitioner before it. Review Application, being meritless, deserves to be dismissed and same is dismissed accordingly.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

sjk