

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

921 WRIT PETITION NO. 3972 OF 2013

SHIVNATHSINGH GAYABSINGH THAKUR AND ORS
VERSUS

THE STATE OF MAH AND ORS

...

Advocate for Petitioners : Mr. P. V. Mandlik, Senior
Advocate i/by Mr. Gandhi Amol S.

AGP for Respondent State: Mr. R. V. Dasalkar

Advocate for Respondent No.5 : Mr. Sangle Shirish G.

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 7th March, 2018

ORDER:

1. Both the sides are present and they are heard for some time.

2. This court has already made some observation in the order dated 10.01.2018 in respect of tenability of the present matter. Grievances of the petitioners and others were considered by this Court in Writ Petition No.3599/2009 which came to be decided on 23.11.2011. The said decision was taken up to the Supreme Court. The Supreme Court did not grant relief but allowed the petitioners therein to file review petition in respect of the decision given by this Court on Writ Petition No.3599/2009.

3. Today, case status of RA(ST) No.12233/2012 is

produced by the learned counsel for the respondent. The proceeding came to be filed on 25.04.2012 and rejected on 25.11.2013. Mr. Mandlik, the learned senior advocate submitted that he has filed application bearing C.A. No.7612/2016 for restoration of the proceeding and the date in that matter is 14.03.2018. Even if the contention of Mr. Mandlik is accepted as it is, the present proceedings cannot be kept pending. In view of the previous decision and the order passed by this Court on 10.01.2018, this court is holding that the writ petition is not maintainable. If the review proceeding is allowed, that may create separate cause of action.

4. Writ petition is dismissed. No order as to costs.

5. Shri Mandlik, the learned senior advocate submitted that petitioner No.3 is dead and he wants to bring Legal Heirs of petitioner No.3 on record. In view of this, the petition in respect of petitioner No.3 is to be treated as abated.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC