

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

CIVIL APPLICATION NO. 11967 OF 2018
IN
WRIT PETITION NO. 6303 OF 2013

Sane Guruji Vidyalaya, Savkheda,
Tq Amalner, District Jalgaon .. Applicant

versus

The State of Maharashtra and others .. Respondents

Mr V. D. Salunke, Advocate i/b Mr Vijay B. Patil, Advocate
for applicant

Mr S. P. Tiwari, Assistant Government Pleader for
respondents no. 1 to 3

Mr V. D. Hon, senior advocate i/b Mr P. S. Gaikwad,
Advocate for respondent no. 4 and 5

CORAM : SUNIL P. DESHMUKH, J.

DATE : 5th October, 2018

ORDER :

1. Heard learned counsel for parties.
2. Applicant – writ petitioner wants to bring on record and incorporate certain events which have occurred post admission of writ petition and matters incidental thereto.
3. Mr Salunke, learned counsel appearing on behalf of applicant submits that tenor of order dated 27-04-2018 by division bench in writ petition no. 3138 of 2018 is

suggestive of avenue being kept open to pose a challenge to order dated 03-02-2018 passed by the Collector. He points out order dated 27-04-2018 by division bench reading, thus:

" 2. Writ Petition is disposed of with liberty to the petitioner to move the learned Single Judge for expeditious disposal of the pending matter. "

4. Learned senior advocate Mr. V. D. Hon appearing on behalf of respondents no. 4 and 5 submits that while order dated 03-02-2018 passed by the Collector had been subject matter of writ petition bearing no. 3138 of 2018 before the Division Bench, said writ petition has been disposed of under order dated 27-04-2018 with liberty to petitioner to move single judge for expeditious disposal of pending matter but that would not mean that an opening has been given to present applicant to renew the request made under said writ petition which has been disposed of.

5. In the circumstances, according to learned senior advocate, amendments sought under paragraphs no. 14-I to 14-K as well as amended prayers clauses (C-1)

and (C-2) sought to be added to writ petition under present civil application would not be amenable for reconsideration under the garb of amendments to present writ petition.

6. Perusal of order by division bench does not suggest that underlying intention had been to keep avenue open in pending writ petition before single judge for the reliefs as had been claimed before the division bench. The order by division bench makes it clear that liberty had been given to the extent of moving learned single judge for expeditious disposal of pending matter.

7. In view of above, reliefs sought pursuant to prayer clauses C-1 and C-2 in present civil application by way of amendments, however, are declined to be incorporated, further making it clear that paragraph no. 14-I to 14-K of present civil application would not have efficacy beyond being in the nature of submissions and would not be deemed to create an avenue for challenge to order dated 03-02-2018 in amended writ petition.

8. In view of aforesaid, civil application is partly allowed. Writ petition may be amended by incorporation of amendments under paragraphs no. 14-A to 14-K, keeping in view aforesaid.

9. Civil application stands accordingly disposed of.

10. Mr Salunke submits that he would approach against order dated 03-02-2018 referred to above by way of proceedings as may be available in law. It is for the applicant to consider as to how to go about the same.

SUNIL P. DESHMUKH
JUDGE

pnd/-