

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

REVIEW APPLICATION STAMP NO.37058 OF 2017

(Shaikh Ayyub Shaikh Shabbir Vs. The State of
Maharashtra & ors.)

IN

WRIT PETITION NO.4413 OF 2016

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Mr. S.B.Ghatol-Patil, Advocate for Applicant
Mr. K.N.Lokhande, AGP for Respondents-State
Mr. P.S.Pawar, Advocate for Respondent No.2
Mr. S.R.Chaukidar, Advocate for Respondent No.5
Mr. A.G.Deshmukh, Advocate for Respondent No.6

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**CORAM : S.V.GANGAPURWALA, J.
MANGESH S. PATIL, J.**

DATED : 9th February, 2018.

PER COURT :-

. The applicant seeks review of the order dated 13.07.2017 thereby disposing the Writ Petition on the ground that the Writ Petition would not survive in the light of withdrawal of Writ Petition No.4493 of 2017.

2. The petitioner had filed Writ Petition No.4413 of 2016 seeking directions for removal of encroachment of the present Non-applicant No.6. The Non-applicant No.6 had filed Writ Petition No.4493 of 2017 challenging

the notice given by the Municipal Council directing him to remove the encroachment.

3. The petitioner of Writ Petition No.4493 of 2017 withdrew the Writ Petition. In the light of that, the Court observed that nothing would survive as the notice was intact.

4. According to Mr. Ghatol-Patil, the learned advocate, thereafter the Municipal Council, on 03.11.2017, has communicated that it is not possible for them to remove the encroachment as there is a Civil Suit filed by the encroacher.

5. The communication dated 03.11.2017 would be a subsequent cause of action and the said communication cannot be a ground for review. It appears that pursuant to the order dated 13.07.2017, the petitioner / applicant has also withdrawn an amount of Rs.20,000/- deposited by him and accepted the order of this Court under review.

6. As the communication dated 03.11.2017 (Exh-D) is subsequent to the passing of the order of this Court, the said communication cannot be a ground for review and would be a separate cause of action.

7. With these observations, the review application stands disposed of.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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vmk/-