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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.145 OF 2018
IN
WRIT PETITION NO.7109 OF 2012

Smt. Ratnabai Anna Shetty and Ors.	... Applicants
<u>In the matter between</u>	
Smt. Ratnabai Anna Shetty and Ors.	... Petitioners
Vs.	
The State of Maharashtra, Through the Secretary and Ors.	... Respondents

Mr. Tejpal S. Ingale for the Applicants.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATE : 13th FEBRUARY, 2018
[In Chamber at 2.40 pm]**

PC.

1 Heard the learned counsel appearing for the applicants. The first prayer is for recall of the order dated 9th March, 2017. The said order is passed on the basis of voluntary undertakings given by the applicants who are the writ petitioners. Therefore, there is no question of recalling the said order. The other grievance made in the application is about the manner in which the application dated 27th March, 2017 is decided by the Collector. This is an altogether different cause of action and no relief can be granted in that behalf in a disposed of writ petition.

2 Lastly, the learned counsel appearing for the applicants submits that the applicants have made an application to the Collector for demarcating the encroached portion and therefore, a direction may be issued to the Collector to demarcate the encroached portion. At no stage, applicants/ writ petitioners have made a grievance that they were not aware of the extent of the encroachment. Therefore, no relief can be granted directing the Collector to consider the said application.

3 There is no merit in the application and the same is rejected.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)