

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (L) NO. 4 OF 2018
IN
WRIT PETITION (L) NO. 76 OF 2018**

Izharulhq Imtiyaz Sidhiqui & Ors	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Mr Durgesh Kulkarni, *with Mr Mayank Bagla, i/b Laxman Jain, for the Petitioners.*
Mr Ashutosh Shukla, *i/b RM Pande, fo the Respondent No. 5.*

CORAM: G.S. PATEL, J
DATED: 22nd January 2018

PC:-

1. Not on board. The matter is taken up on production at 3.00 p.m. on circulation having been granted on urgent mentioning at 11.00 a.m.

2. I have heard counsel for the Petitioners. After some arguments, he first sought to withdraw the Petition and sought leave for an extended time to vacate. The Petitioners who are in Court, on being explained the consequences, changed their instructions and asked their counsel to argue the matter.

3. It is now a common occurrence in this Court that Review Petitions are filed almost as a matter of course without there being any ground made out in compliance with the law. The earlier practice of Advocates having to certify that in their professional opinion there exist sufficient grounds for review has now been done away with. In my view, this needs to be reinstated, and the sooner the better.

4. The first ground for review of my order dated 15th January 2018 is that the challenge to the slum area declaration notification at various levels to the Supreme Court was not by the Petitioners, but by the landlord. This makes no difference because while in paragraph 2, it is mentioned that the challenge was by the Petitioners, in paragraph 4 it is clearly stated that it was their landlord Dost Mohammad who had filed the Writ Petition and then proceedings before the Supreme Court. It is contended that those disposals were not on merits but on the question of condonation of delay. This is hardly a reason to urge in review. The fact remains that the challenge to the slum declaration failed.

5. It is then urged that there was a document available with the Petitioners that was not included with the Petition. I wholly fail to see how this can possibly fall anywhere within the frame of Section 114 or Order 47 of the Code of Civil Procedure 1908. If this was material that was known to the Petitioners, it was for the Petitioners to place it before the Court and to frame a submission based on it. The Petitioner cannot seek a review on these grounds.

6. It is also urged that there is a dispute as to facts in that the Petitioners did not participate in the survey or sign any documents or receive any consideration. This is sought to be placed as if it applies to all the Petitioners. In paragraph 2, the reference is to the involvement and all these acts having been done by Petitioner No. 1. If this is a disputed question of fact, and it must be, for it is thus noted in the Review Petition, then clearly that is not something a Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India can possibly entertain.

7. Finally, I must note that the order in the writ petition was dictated in open Court and was not reserved. No documents now said to be available were produced at that time, nor was any controversy raised about the non-involvement of Petitioner No. 1. It is now suggested that fresh documents have been advanced in the Review Petition. This is impermissible.

8. I do not believe there are any grounds for review. The Review Petition is dismissed. There will be no order as to costs.

9. There is now an application for stay of this order. It is refused. I note this because at the beginning of this order I noted that on the application for withdrawal I was willing to give the Petitioners some time to vacate but only on their giving undertaking that they would do so. They refused. Hence, this rejection of the application for stay.

(G. S. PATEL, J)