

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 42 OF 2019
IN
WRIT PETITION NO. 5104 OF 2016

ASARAM DEORAO TALEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Godhamgaonkar A. G.
AGP for Respondents Nos. 1 to 4 : Mr. S. M. Ganachari
Advocate for Respondent No. 5 :
Mr. M. K. Deshpande
Advocate for Respondents No. 6 to 9 :
Mr. S. B. Solanke

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALÉ, JJ.

DATE: 08th MARCH, 2019

PER COURT :

1. The Review Applicant seeks review of the order dated 20.02.2019 in Writ Petition NO. 5104 of 2016.

2. Mr. Godhamgaonkar, learned Advocate for the Review Applicant submits that the affidavit filed by the District Collector, Aurangabad in the said writ petition and the excerpts of the same

reproduced in order dated 20.02.2019 runs counter to the documentary evidence. The Review Applicant was legitimately given the plot for construction of the house, so also, given a separate permission for the construction of stone crusher. The Review Applicant is using land legitimately under valid permission. However, the affidavit of the District Collector is on the premise that the Petitioner is encroacher and against the terms of allotment the work has been done by the Review Applicant. The persons who are at the loggerhead with the Review Applicant are pressurising the Government authorities.

3. Mr. Solanke, learned Advocate for the Original writ petitioners submits that the affidavit filed by the Collector and relied by the Court is based on correct facts.

4. In fact, while disposing of the Writ Petition No. 5104 of 2016 under order dated 20.02.2019, we had not decided any issue in favour of or against any party. We had only reproduced the affidavit

filed by the Collector pursuant to which the grievance of the original writ petitioners did not survive.

5. We have not adjudicated as to whether the present Review Applicant is an encroacher or is carrying out activities against the terms of the allotment. It is for the authorities to consider the same.

6. It is clarified that before taking any action the Review Applicant shall be heard and the Review Applicant shall be given every opportunity to place all the documents on record before the authorities and the authorities shall consider the documents placed by the Review Applicant before proceeding further with any action in accordance with law.

7. Review Application stands disposed of.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]