

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

REVIEW APPLICATION ST. NO.15455 OF 2019 IN  
PUBLIC INTEREST LITIGATION NO.94 OF 2018

Gram Panchayat, Bardapur ... APPLICANT

**VERSUS**

The State of Maharashtra & ors. ... RESPONDENTS

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Shri C.T. Jadhav, Advocate for applicant  
Shri S.D. Ghayal, A.G.P. for State  
.....

CORAM: PRASANNA B. VARALE AND  
R.G. AVACHAT, JJ.

DATED : 18th JUNE, 2019.

ORAL ORDER :

Heard learned counsel for the review applicant. The submissions of the learned counsel for seeking review of the order of this Court, dated 31<sup>st</sup> January/ 8<sup>th</sup> February 2019 are, this Court failed to consider the factual aspects such as, there is only one bus stop and considering the village, the single bus stop can be treated as a bus stand and the transfer of a country liquor shop is effected at bus stand. This fact is not considered by this Court.

2. The another submission of the learned counsel is, wrong reliance is placed on the provisions of law. These

submissions of the learned counsel are in the nature of asking this Court to reappraise and reassess merits of the petition afresh and then to consider the order passed by the Division Bench of this Court on merits in entirety. We are afraid that, the limited scope of the review petition would not permit us to entertain the review application for reassessment of the merits. It may not be out of place to state that, in its detailed order, this Court referred to the contentions raised, the policy of the State Government, the submissions and counter submissions, the material placed on record by way of affidavit-in-reply and then passed the order. There is no dispute that the review application can be entertained on limited ground such as error apparent on the face of the order or suppression of the fact whereby the court is misled. None of such grounds is coming forth in the application or in the submissions of the counsel. At the cost of repetition, we say that, learned counsel made an attempt to canvass before this Court, which was in the nature of reappraise and reassessment of the facts and merits.

3. Learned counsel for the applicant made an attempt to submit that the transfer was not the effect of the Apex Court's order and the Division Bench of this Court failed to consider this aspect. Perusal of the order of the Division Bench clearly shows that the Division Bench dealt with the submissions and counter submissions of the parties not only on the documents placed on

record but also on the backdrop of the provisions and the judicial pronouncements either by this Court or by the Apex Court.

4. As such, the review application being devoid of any merits, the same is dismissed.

(R.G. AVACHAT)  
JUDGE

(PRASANNA B. VARALE)  
JUDGE

fmp/-