

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

**CIVIL APPLICATION NO. 12613 OF 2019
IN/WITH
REVIEW APPLICATION (STAMP) NO. 25615 OF 2019
IN
WRIT PETITION NO. 474 OF 2019**

Siddeshwar Sahakari Sakhar Karkhana Ltd.,
Sillod, Tq.Sillod, Dist.Aurangabad
Through its Authorized Person, i.e. Labour
Officer-Madhav s/o Manikrao Khare,
Age-62 yrs, R/o Sillod, Tq.Sillod,
Dist. Aurangabad

..APPLICANT

VERSUS

1. The State of Maharashtra
Mantralaya, Mumbai-32
2. Jayaji S/o Kaluba Gadekar
Age-Major, Occ. Retired
R/o Sillod, Tq.Sillod,
Dist.Aurangabad

..RESPONDENTS

Mr A.M. Karad, Advocate for the applicant;
Mr S.P. Sonpawale, A.G.P. for respondent-State;

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATED : 21st NOVEMBER, 2019

ORAL ORDER:

This is an application seeking condonation of delay in filing the application to recall/review of the order of this Court dated 23rd January, 2019 in Writ Petition No. 474 of 2019.

2. Learned A.G.P. appearing for respondent No.1 submitted that an inordinate delay of 173 days is not at all explained in the application.

3. On perusal of the grounds raised in the application and the contention of the applicant reflected in the application, it is more than clear that except referring to number of days of delay, no reason is assigned for condoning the delay of 173 days caused in filing the application. Apart from this fact, the another fact is; while considering the application for condonation of delay and before conversion of the writ petition into review application, an order was passed by

this court on 7th August, 2019. The present applicant was permitted to file a fresh writ petition in this Court to challenge the order of Revenue Authority, namely; the Tahsildar, on the backdrop of having no single response to the earlier auction notice, the Tahsildar was left with no choice but to publish a fresh notice for auction.

4. It was submitted before us by Mr Karad, learned Counsel that a separate Writ Petition No.10392 of 2019 was filed by the applicant and the said writ petition was disposed of by order of the Division Bench dated 26th August, 2019.

5. Copies of the order dated 7th August, 2019 in Writ Petition No. 8518 of 2019 and order dated 26th August, 2019 in Writ Petition No. 10392 of 2019, are placed on record and same are taken on record and marked 'X' for identification.

6. Perusal of order dated 26th August, 2019, shows

that the application seeking recall/review loses its efficacy.

7. In view of above referred subsequent development and more particularly order of Division Bench dated 26th August, 2019, the applications i.e. civil application and review application are dismissed and disposed of accordingly.

[S. M. GAVHANE, J.]

[PRASANNA B. VARALE, J.]