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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION ST. NO.14450 OF 2018
IN
WRIT PETITION NO.4859 OF 2016**

Ulhasnagar Municipal Corporation & Ors.

..Petitioners

Vs

Ramesh S. Parmanandani & Ors.

..Respondents

Mr. S.M. Gorwadkar, Senior Advocate I/b Mr. Suresh M. Kamble for the
Petitioners.

Mr. Y.S. Kochare, AGP for the Respondent-State.

**CORAM : A.S. OKA &
A.S.GADKARI, J.J.**

DATE : 14th February 2019.

P.C.:

1] The review is sought of the direction contained in Clause (I) of
paragraph No.14 of the Judgment and Order dated 12th January 2018 which
reads thus:-

*“We direct the Ulhasnagar Municipal Corporation to allot a
suitable shop premises admeasuring 10 feet X 20 feet to the
petitioner in terms of the Resolution No.60 dated 11th
December, 2015 within a period of three months from the
date this judgment and order is uploaded.”*

2] The contention of the learned senior Counsel for the petitioner is that as per the record of the petitioner Corporation, the area of the shop of the petitioner which was demolished was 10 feet X 17 feet. The second contention is that another party is claiming the same shop.

3] The direction to provide a suitable shop admeasuring 10 feet x 20 feet is exactly in terms of the Resolution No.60 dated 11th December 2015 passed by the General Body of the petitioner Municipal Corporation. The resolution provides for an allotment of a shop admeasuring 10 feet x 20 feet. The direction issued by this Court is to implement the same and therefore, the area of the premises earlier occupied by the writ petitioner is irrelevant. That is not the criteria fixed under the said General Body Resolution.

4] Only on the ground that a third party is claiming the same shop premises, the Municipal Corporation cannot seek review and refuse to implement the Order of this Court. The contention is that the respondent No.4 in the Review Petition is the rival claimant. The respondent No.4 was a party to the main petition and he is bound by the Order passed in the main petition. There is no error apparent on the face of the record and even otherwise, there is no other ground for review.

5] Review Petition is accordingly rejected.

(A.S.GADKARI, J.)

(A.S. OKA, J.)