

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

REVIEW PETITION (ST) NO.21276 of 2018
IN
WRIT PETITION NO.9300 of 2012

Mr.D.M.Godse ... Petitioner

V/s.

Mr. Moreshwar Vinayak Karve & ors. ... Respondents

Mr. D.B.Khaire for petitioner in review petition and applicant.
Mrs. S.S.Gokhale i/b. Leena Patil for original petitioner.

Mr. A.A.Kumbhakoni, AG a/w. Mr.P.P.Kakade, AGP for State.
Mr. G.S.Hegde a/w. Mr.C.M.Lokesh i/b. G.S.Hegde & associates for
respondent no.7 CIDCO.

**CORAM :NARESH H. PATIL, C.J.
& N.M. JAMDAR, J.**

1st April, 2019.

P.C.

Heard learned Counsel appearing for the parties in Review Petition at length. Perused the judgments cited by the learned Counsel appearing for the parties. The Review Petitioner raised an issue as to whether under the Government resolution dated 26th December

2003, the claimant-original petitioner is entitled to the rental compensation alongwith the benefits (solatium) conferred under Section 23(2) of the Land Acquisition Act.

2. The learned Counsel appearing for the claimants raised preliminary objections; (a) unreasonable delay in filing the review petition (b) the Review Petitioner has no locus standi to file review petition; (c) The amount of compensation is to be disbursed by CIDCO, whereas Konkan Irrigation Development Corporation is only implementing agency.

3. The matter was heard in the first session. In the second session the learned Advocate General appears and makes a statement that if a Review Petition is to be preferred, it is for CIDCO to take appropriate decision and the State need not file a Review Petition.

4. The learned Counsel Mr.Hegde on instructions submits that CIDCO has oral instructions to file a Review Petition.

5. On the last occasion the issue of locus of the present review petitioner was raised and the matter was adjourned for the Counsel appearing for the Review Petitioner to take appropriate instructions.

6. In view of the statement made as above by the learned Counsel Mr.Hegde and learned Advocate General and in the facts we are of the view that the Review Petition be disposed of for want of locus of the petitioner to file review petition. Review Petition stands disposed of.

7. It is clarified that we have not expressed any opinion on merits or the grounds raised in the petition. All issues are kept open.

8. In view of disposal of review petition, nothing survives for consideration in the civil applications. The Civil Applications stand disposed of.

N.M. JAMDAR, J

CHIEF JUSTICE

L.S. Panjwani, P.S.