

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO. 1508 OF 2020**

IN

REVIEW PETITION NO. (STAMP NO. 34377/2019)

IN

WRIT PETITION NO. 10618 OF 2017

Dr. Aamir Babansab Shaikh,
 Age : 54 Years, Occ. Medical Practitioner,
 R/o. Navin Renapur Naka,
 Ambajogai Road, Latur.

... PETITIONER**VERSUS**

1. The State of Maharashtra,
Through the District Magistrate/
Collector, Latur.
2. The Municipal Corporation,
Latur, Through its Commissioner,
3. Hindustan Petroleum Corporation Limited,
Through its Regional Officer, Solapur
IRD, Near Pakni Railway Station,
Solapur
4. Syed Abdul Sattar Hasansab,
Age : 65 Years, Occ. Business,
R/o. Hamal Galli, Latur

... RESPONDENTS

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Advocate for the Petitioner : A.S. Deshpande
A.G.P. for Respondent Nos. 1 to 3 : Mr. R.V.Dasalkar

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CORAM : T.V. NALAWADE AND
K. K. SONAWANE, JJ.
DATE : 11.02.2020.

ORDER :-

The application is filed for condonation of delay of 37 days caused in filing review proceeding against the order

passed by the court in Writ Petition No. 10618 of 2017 in (Dr. Aamir Babansab Shaikh Vs. The State of Maharashtra and others) decided on 29.08.2019. In view of the contention made in the delay condonation application and submissions made that it is fault of the Court machinery as the order was not uploaded in time and it was uploaded after one month of the decision this Court holds that there is no need to hear the other side and this Court condoning the delay.

2. The hearing is given to the learned counsel for the applicant in review application. This hearing was given to ascertain as to whether there is any case for argument in the main matter, review proceeding. Learned counsel for the applicant submitted that the observations made by this Court that the Municipal Commissioner, heard the present petitioner/ applicant on the objection filed by him is not correct. He submitted that the date was fixed for hearing as 24.10.2017 but hearing did not take place on that day and the matter was adjourned to 30.10.2017 but behind the back of the petitioner matter was pre-poned and it was decided on 25.10.2017. He then argued in respect of the zone which is applicable for making construction of petrol pump. This Court has considered that argument and this Court has observed that clause 25.2 is for residential zone and in that zone there are

three parts. In view of the nature of the contents of this Rule, this Court has held that there is no restriction as contended by the petitioner.

3. The contention that in respect of the class of municipality or Corporation, the distance which is mentioned in 'D' class Corporation should be maintained. This proposition is also considered by this Court and this Court has held that the proposition cannot be used in the present matter and rules, law created for particular local body need to be used.

4. Thus, every aspect of the matter is considered by this Court. Even if it is presumed that the objections was not properly considered, In view of the decision on the application of the rules for such construction, which are considered by this Court, it cannot be said that the hearing on objections could have made difference. If this Court has committed any error, it is open to the petitioner to challenge the decision of this Court. The ground raised in the review applications are not within the scope of the review proceeding.

Review application stand dismissed.

(K. K. SONAWANE, J.)

(T.V. NALAWADE, J.)