

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

**REVIEW APPLICATION (CIVIL) NO. 10 OF 2021
IN
WP/2196/2021**

State of Maharashtra
and others

... Applicants

Versus

Ramkor Vikram Maske
and others

... Respondents

....

Mr. P.K. Lakhotiya, AGP for the Applicants

Mr. Anant Devakate & S. G. Kawade, Advocates for Respondent No. 1

Mr. A. B. Kadethankar, Advocate for Respondent No. 2

Mr. N.V. Gaware, Advocate for Respondent No.3

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**REVIEW APPLICATION (CIVIL) NO. 11 OF 2021
IN
WP/2193/2021**

State of Maharashtra
and others

... Applicants

Versus

Vivek Vinayakrao Ghare
and others

... Respondents

....

Mr. P.K. Lakhotiya, AGP for the Applicants.

Mr. S. G. Kawade, Advocate for Respondent No. 1

Mr. A. B. Kadethankar, Advocate for Respondent No. 2

Mr. N.V. Gaware, Advocate for Respondent No.3

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**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 05th AUGUST, 2021

PER COURT:-

1. We have heard the learned AGP for the review applicants, Mr. A.R. Devakate and Mr. S.G. Kawade, learned counsel for the original petitioners.
2. Under order dated 03.02.2021, we have disposed of writ petition Nos. 2193 of 2021 and 2196 of 2021 on the basis of the statement made by the learned AGP that the post of Sarpanch in writ petition no.2193 of 2021 is reserved for General category and for S.C. (Women) in writ petition no.2196 of 2021.
3. Learned AGP submits that the said statement was made on the basis of incorrect document of the Block Development Officer produced by the petitioners therein. The reservations are carved out under the signature of Tahsildar and the document of Tahsildar shows that the post of Sarpanch in writ petition no.2193 of 2021 is reserved for S.C. and in writ petition no.2196 of 2021 is reserved for General (Women).
4. This aspect is disputed by the learned counsel for the original writ petitioners relying upon the list produced in writ petition nos. 2193 of 2021 and 2196 of 2021 issued by the Block Development Officer.

5. It would appear that we have not decided the writ petition nos.2193 of 2021 and 2196 of 2021 on merits of the matter. We have disposed of the said writ petitions on the basis of statement made by the learned AGP. It is submitted that by the learned AGP that it was under misconception.

6. Be that as it may, we had disposed of the writ petitions without dealing with the merits of the matter and only on the basis of statement made by the learned AGP

7. Learned AGP regrets the misstatements made in the said writ petitions and submits that the same were on the basis of incorrect documents.

8. The writ petitions can be decided on merits after considering the contentions of the petitioners as well as the respondents therein.

9. In the light of the above, the order dated 03.02.2021 in writ petition nos. 2193 of 2021 and 2196 of 2021 is reviewed and recalled. Writ petition nos. 2193 of 2021 and 2196 of 2021 are restored to its original position.

10. Naturally, the said writ petitions are required to be decided after considering the contentions of the petitioners and respondents therein. The original writ petitioners also would not be prejudiced inasmuch as the election of the Sarpanch are not yet held.

11. Review petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane