

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

919 REVIEW APPLICATION (CIVIL) NO.53 OF 2019
IN WP/12253/2018

SUNIL AMBADAS KOKARE AND ANOTHER
VERSUS
TUKARAM ALIAS GOVIND BABU KOKARE AND OTHERS

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Advocate for Applicants : Mr Katneshwarkar P. R.
AGP for Respondents State: Mr S K Tiwari
Advocate for Respondent No.2 in WP : Mr. D.G. Nagode
Advocate for Respondents 1 to 3 : Mr. Krishna Kulkarni

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 5th March, 2021.

ORDER:

1. Review applicant seeks review of the order passed by this Court dated 12.03.2019 in Writ petition No.12253/2018.
2. The learned counsel for the applicant submits that at the time of passing order under review, the record i.e. corrigendum of consolidation was false and was never issued by the Deputy Superintendent of Land Record, Tuljapur. This fact was communicated to the applicant by the Deputy Superintendent of Land record under its letter dated 20th March, 2019. It is on the basis of such frivolous record, the writ petition was disposed of.
3. It appears that the Deputy Superintendent of Land record has filed reply clarifying that letter dated 20.03.2019 is not issued by the Deputy Superintendent of Land Record but is issued by one Mr. S. N. Suryawanshi misusing his authority. In the past also he had committed such illegality and F.I.R. is filed against him. According to the learned counsel for the

review applicant, in the writ petition also record was produced by that person only.

4. Be that as it may, while disposing of the writ petition, we have observed that disputed facts exists amongst the parties and so it would be appropriate for the Civil Court to decide the same in view of section 3(H)(4) of the National Highways Act.

5. Even ignoring veracity of the documents relied upon by the parties, it appears that the disputed question of facts exists between the parties qua the ownership over the property acquired.

6. In light of that, no case for review is made out. Review application disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC