

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

**REVIEW PETITION NO. 32 OF 2021
IN
WRIT PETITION NO. 2580 OF 2021**

Kalyan Dombivali Municipal Corporation & Ors. ... Petitioners

Vs.

Shri Dinesh Babulal Parmar & Anr. ... Respondents

.....

Mr. A. S. Rao for the Review Petitioners.

Mr. P. B. Shah i/b. Mr. K. P. Shah for the Original Petitioner in Writ
Petition No. 2580/2021.

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**CORAM: R. D. DHANUKA AND
MADHAV J. JAMDAR, JJ.**

**DATE : 9th JULY, 2021.
(THROUGH VIDEO CONFERENCE)**

P. C:-

1. The Review Petition is filed by the Respondent No. 1 on the ground that there are several issues regarding validity of the lease. The Petitioner is not in position to provide permanent alternate accommodation to large number of occupants who have been evicted on similar ground.

2. A perusal of the paragraph 5 of the order dated 9th March, 2021 of Hon'ble Supreme Court clearly indicates that Review Petitioner had been directed to examine the representation made by

the original Petitioner sympathetically bearing in mind that the original Petitioner has subsisting leases.

3. We are not inclined to accept the submission of the learned Counsel for the Review Petitioners that the Review Petitioners are entitled to raise the issue of validity of the lease at this stage after several years and also in view of the observation made by the Hon'ble Supreme Court in paragraph No. 5 of the order dated 19/03/2021.

4. A perusal of the grounds raised in the petition clearly indicates that the Petitioners seek to re-argue the matter on merits, which is not permissible. No case is made out for recall of order dated 28/05/2021 passed in Writ Petition No. 2580/2021.

5. Review Petition is thoroughly misconceived and with cost quantified Rs. 25,000/- which shall be paid by the Review Petitioners to the original Petitioner within one week from today.

6. Application for stay of the order dated 28/05/2021 is rejected.

(MADHAV J. JAMDAR, J.)

(R. D. DHANUKA, J.)

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