

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO. 136 OF 2021

IN

MISC. CIVIL APPLICATION (REVIEW) ST.NO. 976 OF 2021

IN

PUBLIC INTEREST LITIGATION NO. 11 OF 2018 (D)

(RAMKRUSHNA ABHAJI BORKAR...VS.. NASEEM KHAN DILDAR KHAN & 5 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Sohoni, Advocate for Applicant.
Ms Mayuri Deshmukh, A.P.P. for Non-applicant Nos.3 & 4.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : FEBRUARY 15, 2021.

Heard.

While considering Civil Application No. 21 of 2021 this Division Bench (Z.A.Haq & Amit B. Borkar, JJ) has taken a view that the Limitation Act is not applicable to the proceedings under Article 226 of the Constitution of India and as the application seeking review of the judgment/order passed under Article 226 of the Constitution of India would also lie under Article 226 of the Constitution of India, the provisions of the Limitation Act, 1963 will not be applicable, however, the applicant, seeking review of the judgment/order will have to explain the delay /latches in the review application itself. We find that the explanation given by the applicant in Civil Application should be accepted and hence, there is no impediment in considering the review application.

The Civil Application No. 136 of 2021 is **disposed** accordingly.

MISC.CIVIL APPLN.ST.NO.976 OF 2021

Heard.

The review is sought in respect of order dated 26th February 2020. The applicant is not able to point out how the applicant is aggrieved by the directions issue by this Court. The limited direction which was issued by this Court was a direction to Municipal Council to find out as to whether the user of the plot is in violation of the permission granted. It is for the Municipal Council to decide as to whether there is any violation or not. If there is any order passed by the Municipal Council, which affects the rights of the applicant, the applicant will have liberty to challenge the said order. There is no error apparent on the face of the record.

The Miscellaneous Civil Application is **dismissed**. No order as to costs.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

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