

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

**REVIEW APPLICATION NO. 49 OF 2022
IN
WRIT PETITION NO. 13730 OF 2021**

Bapurao Laxmanrao Gawali
Through His GPA Babasaheb
Kisan Pawar .. Applicant
Versus
Deepak Jalindar Mendke and others .. Respondents

Shri R. S. Deshmukh, Senior Advocate a/w Shri Vishal Charan,
Advocate i/by Shri Devang R. Deshmukh, Advocate for the
Applicant.

Shri R. G. Hange, Advocate for the Respondent No. 1.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 2 to 5.

**WITH
WRIT PETITION NO. 13730 OF 2021**

Deepak Jalindar Mendke .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri R. G. Hange, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 4.
Shri R. S. Deshmukh, Senior Advocate a/w Shri Vishal Charan,
Advocate i/by Shri Devang R. Deshmukh, Advocate for the
Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 18TH FEBRUARY, 2022.

FINAL ORDER :

. Mr. Deshmukh, the learned senior advocate for the
applicant submits that, this Court has passed innocuous order

directing the petitioner to approach the committee under order dated 09th December, 2021. The learned senior advocate submits that, dispute amongst the parties is pending before this Court. The review applicant has filed writ petition bearing Writ Petition No. 2699 of 2016 before the learned Single Judge of this Court against the order of the Hon'ble Revenue Minister. Same is pending. Even civil litigation between the parties is pending. The original writ petitioner failed to bring all these facts to the notice of this Court.

2. Mr. Hange, the learned counsel for the respondent No. 1 submits that, the original writ petitioner has placed on record copies of suits pending between the parties. Only pendency of writ petition was not brought to the notice of this Court. The Committee has also considered grievance of the original writ petitioner pursuant to the orders of this Court under review.

3. We had passed order dated 09th December, 2021 upon representation made by the learned advocate for the petitioner. However, we have also observed that the Committee may consider the application, if, there is no other impediment/prohibitory order after judgment passed in the revision by the Additional Commissioner.

4. In view of the fact that, pendency of the litigation between the parties was not brought to the notice of the Court, we review the order dated 09th December, 2021 passed in Writ Petition No. 13730 of 2021. We recall the said order and instead substitute

following order.

5. The stand of the original writ petitioner and the review applicant shall be taken into consideration by the Committee and/or the revenue officer and then shall take decision. The committee is not a quasi judicial body, who can take decision with regard to the rights of the parties. The said committee is constituted to overlook the work of the revenue officers and to entertain grievance against in action on the part of the revenue officers.

6. Be that as it may, the original writ petitioner and the review applicant may approach the Committee and/or revenue officers as required and it is for them to take into consideration all the relevant aspects of the matter which shall be brought to their notice.

7. Present order shall not be construed as direction to take entry in a particular manner in the revenue record of a particular party. The review applicant has already approached the Committee and/or revenue officer, the contention of the review applicant shall also be considered.

8. In view of the above, the review application along with writ petition stand disposed of. No costs.

9. The parties to act on authenticate copy of this order.

[S. G. DIGE, J.]
bsb/Feb.22

[S. V. GANGAPURWALA, J.]