

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

Writ Petition No. 6239 of 2022

Bhimrao Baburao Varane	...	Petitioner
V/s.		
State of Maharashtra & Ors.	...	Respondents

None for the Petitioner.

Mr. Laxman Kalel for Respondent No.4.

Ms. M.S.Bane, AGP for the State.

**CORAM : PRASANNA B. VARALE
& SHRIKANT D. KULKARNI, JJ.**

11th July 2022

P.C.

Mr.Kalel, the learned Counsel appearing for Respondent No.4, by way of praecipe prayed for speaking to minutes of order dated 5th July 2022. It is the submission of the learned Counsel that on Page-2 of the order, reference is made to the construction done by Respondent No.4. It is further submitted by the learned Counsel that the issue of the said construction was before this Court in one of the writ petition and there is an order passed by the Division Bench in respect of that construction. It is also submitted by the learned Counsel that by way of the said order the said construction is declared as a legal

construction. In our order dated 5th July 2022, the reference made to the construction of the Respondent No.4 is in the form of submission of the learned Counsel for Petitioner. We make it very clear that these were not the observations of this Court. The order dated 5th July 2022 was passed on the backdrop of the grievance that representation is pending before the Authority. On the backdrop of these events we have made the following observations:-

Considering this limited grievance of the Petitioner, we deem it appropriate to dispose of the writ petition with direction to Respondent Nos.2 & 3. We are of the opinion that these directions would not cause any prejudice to the Respondents as this Court has not observed on the merits of the claim of the petitioner and referred to only the factual aspects submitted before this Court. (emphasis supplied by us). Accordingly, writ petition is disposed of with direction to Respondent Nos.2 & 3 to consider the representations filed at the instance of the Petitioner on 9 March 2022 and to pass appropriate orders. Needless to state that Respondent Nos.2 and 3 may call for record or report from their subordinate officers and giving an equal opportunity of hearing to the parties. (emphasis supplied by us).

2. Now the portion which is emphasized by us leaves no scope to assume that this Court has made observations on the merits of the claim of the parties. Thus, what is sought for by way of speaking to minutes is clearly beyond the scope of the prayer of speaking to minutes of the order. We again make it clear that as we have directed the Authority to grant equal opportunity of hearing to the parties, the parties can certainly apprise the authorities either about the factual aspects or about the merits. Thus, the prayer for speaking to minutes, in our opinion, is clearly untenable and unsustainable. As such, the prayer stands rejected.

(SHRIKANT D. KULKARNI, J) (PRASANNA B. VARALE, J)

L.S. Panjwani, P.S.