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

**REVIEW PETITION NO. 132 OF 2018
IN
WRIT PETITION NO. 2536 OF 2016**

Smt. Sitabai Manohar Chavan, through
her legal heirs and representatives :

- Shri Sunil Manohar Chavan & Anr. ... Petitioners.

Versus

The State of Maharashtra,

Urban Development Dept. & Others.

... Respondents.

Mr. Bharat Gadhavi, Advocate a/w. Mr. Vikrant Khare, Mr. Chinmay Deshpande, Mr. Pratik Sabrad, Trusha Shah & Seema Patil, Advocates i/by Tejesh Dande & Associates for the Petitioners.

Mr. Rajan S. Pawar, AGP for the State – Respondent Nos. 1 & 3.
Mr. Vijay D. Patil, Advocate for Respondent No. 2 – PMRDA.

CORAM : R.D. DHANUKA & S.G. DIGE, JJ.

DATE : NOVEMBER 29, 2022.

P.C. :-

1. Leave to amend is granted so as to delete Respondent No.2 from the cause title of the petition and to substitute by adding - “Pune Metropolitan Regional Development Authority” in place of “Pimpri Chinchwad, New Town Development

Authority.” The re-verification is dispensed with. Amendment to be carried out forthwith by the Petitioners. Mr. Vijay Patil, the learned counsel waives service of notice for newly added party respondent no.2 - PMRDA.

2. By this review petition, the petitioners seek recall of the order dated 9th January, 2018 passed in Writ Petition No. 2536 of 2016, more particularly the liberty granted by this court in paragraph 5 of the said order that the original petitioners to make a fresh representation with the PCNTDA for allotment of the plot under 12.5% scheme with further direction to PCNTDA to decide the representation sympathetically within a period of six months from the date of receipt of the said representation.

3. The learned counsel for the review petitioners states that after the said order was passed, the original petitioner no.1 Smt. Sitabai Manohar Chavan had already expired and her legal heirs could not file a fresh representation with the authority. He therefore, seeks modification of the order dated 9th January, 2018 for granting the similar liberty to the legal heirs of late Smt. Sitabai Manohar Chavan to make the representation before the authority concerned.

4. Mr. Patil, learned counsel for the Respondent No. 2 states that the representation, if made by the legal heirs of Smt. Sitabai Manohar Chavan alongwith the documents of their heirship certificate of the said Smt. Sitabai M. Chavan, would be considered on its own merit within the period of six months from the date of receipts of such representation. Statement is accepted.

5. The order dated 9th January, 2018 passed by this court in Writ Petition No.2536 of 2016 stands modified to this effect.

6. Review Petition is disposed of in the aforesaid terms.

7. The order that will be passed by the Respondent No.2 on the representation shall be communicated to the legal heirs of late Smt. Sitabai M. Chavan within one week from the date of passing of that order. If the said representation is allowed, the consequential reliefs sought by the legal heirs of Smt. Sitabai M. Chavan, as would be permissible in law, shall be granted to the said legal heirs within eight weeks from the date of passing of the order. If the representation is rejected, the legal heirs of late Smt. Sitabai Chavan would be at liberty to file such

appropriate proceedings within a period of two weeks from the date of communication of such order and the authority concerned also shall not take any steps pursuant to such order for a period of two weeks thereafter.

(S. G. DIGE, J.)

(R.D. DHANUKA, J.)

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