

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 42 OF 2012**

WITH

INTERIM APPLICATION NO. 3700 OF 2021

CIVIL APPLICATION NO. 297 OF 2012

Hindi Prachar Mandal Dombivli and others ... Petitioners

Versus

Dnyaneshwar Math Trust and others ... Respondents

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Dr. Uday Warunjikar alongwith Mr. Siddharth Pilankar for the
Petitioners.

Ms. Seema Sarnaik instructed by Ms. Shubhangi Abhyankar for
Respondent No.1.

Mr. Rajiv Patil, Senior Advocate instructed by Ms. Parul Abhyankar
for Respondent No.4.

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**CORAM : NITIN JAMDAR AND
 N.R. BORKAR, JJ.**

DATED : 5 AUGUST 2022

P.C. :-

Heard the learned Counsels for the parties.

2. The Respondent No.3 in the original Writ Petition
No.3769 of 2001 has filed this Review Petition to review the order
dated 11 March 2010 passed by the Division Bench (Coram : D.K.

Deshmukh and A.R. Joshi, JJ.). Since both the learned Judges are not available, the matter is placed before us as a special bench.

3. The Division Bench by the order under review had allowed the Petition filed by the original Petitioner who is Respondent No.1 herein and had set aside compulsory acquisition made in favour of the Respondent No.3 i.e. Review Petitioner.

4. Review is sought on the ground that there is an error on the face of the record. The contention of the Review Petitioner is that since the Division Bench did not consider the implications of the concerned land being in possession of the Review Petitioner, therefore, the order under review apparently suffers from an error on the face of the record which needs to be corrected.

5. We have seen the reply filed by the Review Petitioner in the Writ Petition. In the reply, the Review Petitioner has stated about possession with Respondent No.3. The Respondent No.3 was heard when the Petition was decided and after considering the submissions, the view was taken that the compulsory acquisition needs to be quashed. Furthermore, it will also have to be seen whether the respondent No.3 being in possession would have ultimately made any difference in the outcome of the proceedings.

6. Since the order is being sought to be reviewed on the ground that the same is incorrect, review jurisdiction is not the appropriate remedy. No case is made out to exercise the same.

7. The Review Petition is accordingly rejected. Pending applications are also stands disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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