

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO. 25000 OF 2019
IN
PUBLIC INTEREST LITIGATION NO. 216 OF 2009
WITH
INTERIM APPLICATION NO. 1145 OF 2022**

M/s. Insuitech Finance and Securities Ltd. ... Petitioner

In the matter between :

Vijay Tulshidas Katore ... Petitioner

Versus

M/s. Insuitech Finance and Securities Ltd.
and others ... Respondents

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Dr. Uday Warunjikar for the Applicant and Petitioner in Review
Petition.

Mr. Vivek Salunke for the Original Petitioner in PIL.

Mr. P.G. Sawant, AGP for the State.

Mr. Nitesh Gupta instructed by Vidhat Legal for Respondent Nos.3
to 8.

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

DATED : 26 AUGUST 2022

P.C. :-

By this Review Petition, the original Respondent No.1 is
seeking to review the order dated 8 July 2019 passed by the Division

Bench (Coram : Pradeep Nandrajog, C.J. & N.M. Jamdar, J.) in Public Interest Litigation No.216 of 2009.

2. The Division Bench, in the order noted that notwithstanding there was no representation from the Petitioner, the record was perused and it was found necessary to pass certain effective orders and accordingly directed the Respondent No.9-Collector to issue notices to the executants of the development agreement in question and post notice to the executants, documents to be seized and stamp of cancellation be affixed therein. The Collector was also directed that the land which is vested in the State is permitted should not be developed or encroached upon.

3. The Review is sought by the Respondent No.1 on the ground that there was no case made out by the Respondent No.1 of any injury and secondly, it was contended that there were no prayers in respect of the directions which were given under the impugned order and the notice should have been given if the Court wanted to go beyond the scope of the Petition.

4. As far as the first contention is concerned, the reply of Respondent No.9 was to the reply of the State. The Court exercising writ jurisdiction in public interest is entitled to analyze the reply of the State to find out what would be in the interest of the people at

large and the State and its jurisdiction is not restrained. As regards the second contention that the Court had travelled beyond the prayers, as stated earlier, the court exercising powers in public interest is not bound by prayers. The contention that the prayer in the Petition was only restricted to an appointment of a Committee, the court found that the same would not serve the purpose and that stringent order is required. The court is entitled to do so. As regard the contention that notice should have been given if the court wanted to travel beyond the prayers is concerned, Review Petitioner was represented when the order was passed. If the Petitioner is aggrieved by the order, Review Petition is not the appropriate remedy.

5. The Review Petition is disposed of. Pending applications are also disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)