

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

MISC. CIVIL APPLICATION NO. 495 OF 2022 (FOR REVIEW)

IN

WRIT PETITION NO. 939 OF 2018

Narayan Pandhari Narkhede and others

vs.

Divisional Commissioner Amravati and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R. L. Khapre, Senior Advocate assisted by Mr. Rahul
Tajne, Advocate for applicants.
Mr. S. M. Ghodeswar, AGP for respondent Nos.1 and 5.

CORAM : MANISH PITALE J.

DATE : 11/08/2022

Heard Mr.R.L.Khapre, learned Senior
Counsel appearing for the review applicants.

2. Having heard the learned Senior Counsel for quite some time, this Court is not inclined to entertain the present review application. The nature of grounds raised in the present application are more in the nature of seeking re-hearing of the matter, which cannot be permitted in review jurisdiction. No error apparent on the face of record is demonstrated. Therefore, the review application does not deserve to be considered on merits.

3. Nonetheless, there are apprehensions expressed on behalf of the applicants. It is brought to the notice of this Court that Writ Petition No.2478 of 2022 is filed by the original respondent No.4, challenging order dated 14/03/2022, passed by the concerned Minister. It is submitted that the judgment and order dated 19/07/2022, passed by this Court in Writ Petition No.939 of 2018, may have an impact on the manner in which the aforesaid writ petition is decided.

4. This Court is of the opinion that the apprehension is misplaced, because Writ Petition No.2478 of 2022 will certainly be decided on its own merits. It is further stated on behalf of the applicants that in pursuance of the observations made by this Court in the judgment and order dated 19/07/2022, the applicants have already filed Regular Civil Suit No.88 of 2022, before the Court of Civil Judge, Senior Division, Malkapur. It is submitted that this Court may observe that the aforesaid Suit would be decided in its own merits by the aforesaid Civil Court without being influenced by the observations made in the judgment and order dated 19/07/2022, passed in Writ Petition No.939 of 2018.

5. To this extent, appropriate observation can certainly be given to the review applicants.

6. Accordingly, the review application is dismissed.

7. It is observed that the aforesaid Civil Suit instituted by the applicants before the competent Civil Court shall be decided on its own merits by the said Court without being influenced by the observations made in the judgment and order dated 19/07/2022, passed in Writ Petition No.939 of 2018.

8. Needless to say, the subsequent notice issued by the Gram Panchayat on 28/07/2022 can be challenged by the review applicants by instituting appropriate proceedings in accordance with law.

JUDGE