

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.14297 OF 2022
IN RAST/12661/2022

NARAYAN BABURAO BAGAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Applicant : Mr. Lute Sandeep N.
AGP for Respondent Nos. 1 to 4 : Mrs. M.A. Deshpande

CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.

DATE : 20.01.2023.

PER COURT :

By way of this review application the original petitioner is seeking review of the order dated 25.03.2019 passed by this Court while disposing of his writ petition with following observations :

“1. Mr. Lute, learned counsel for the petitioner submits that the representation given by the petitioner with regard to the compensation of trees is not at all considered. The possession is taken by respondent in the year 2014 and the inspection is made in the year 2017 and in that Pomegranate trees are reported to be poor. The learned counsel submits that as per the consent Award and valuation for the trees was to be made subsequently. However, the condition has not been visualized as it was on the date the possession was obtained by the respondent.

2. We have heard Mr. Deve, learned counsel for respondent and learned A.G.P

3. The report of the Taluka Agricultural Officer states that the condition of Pomegranate trees is poor. The height is given. The spread is also given.

4. Except the report there is no other material before us to conclude about the valuation of the trees. We can only go as per the report on record. It is not also case that there are some other contrary reports.

5. In view of that, it would not be possible for us to exercise our writ jurisdiction.

6. Writ Petition is disposed of. No costs”.

2. The learned advocate for the applicant would vehemently submit that this Court has not taken into consideration the number of trees available at the spot. There is a report of the Taluka Agricultural Officer and this Court ought to have considered that report.

3. Needless to state that the power of this Court to undertake a review is limited and circumscribed by the provisions of Section 114 of the Code of Civil Procedure. When this Court on objective assessment after going through the report of the Taluka Agricultural Officer has dismissed the petition, it cannot be said that there is any formal defect or error apparent on the face of the record. The objective satisfaction of the Court recorded in the order is sufficient to demonstrate that the report was looked into and still this court was not inclined to grant any relief.

4. The Review Application is dismissed. The Civil Application stands disposed of.

(S. G. CHAPALGAONKAR, J.)
mkd/-

(MANGESH S. PATIL, J.)