

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO.11085 OF 2023
IN RAST/26072/2023

MADARSA ANWARUL ULOOM JALGAON
THR ITS MEMBER TRUSTEE AKIL ABDUL KARIM PATEL
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for Applicant : Mr. Deshmukh Mahesh S.
AGP for Respondents/State : Mr. A.V. Deshmukh
Advocate for R/2 & 3 : Mr. M.V. Navandar
Advocate for Petitioner in WP : Mr. R.S. Kulkarni

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**
DATE : 20th September, 2023

PC. :-

1. Heard the learned advocate for the respective sides. For the reasons set out in the application, the delay of 36 days is condoned and the **Civil Application is allowed.**

2. By consent of the parties, the Review Application is taken up for hearing.

3. After considering the submissions of the learned advocates for the respective sides, it is apparent that the Petitioners before us in Writ Petition No.2549/2023 were not arrayed as opponents in appeals / revision filed by the

Review Petitioners in March-2022 before the Hon'ble Minister, Urban Development. In the said proceedings, an *ex parte* ad interim order has been passed by the concerned Minister on 14.03.2022. This was not known to the Petitioner before us. Consequentially, the Petitioner before us did not add the Applicants before the Respondent No.1 in the pending appeals / revision, as Respondents in this Petition.

4. Since an earlier proceeding is pending, **this Review Application is partly allowed** to the extent of recalling the directions issued to Respondent No.2-Municipal Commissioner in paragraph 4 of the order dated 14.06.2023, on the condition that the Review Applicants would add the Writ Petitioners as opponents in the pending proceedings before the Respondents on or before 04.10.2023. The Petitioners are at liberty to file their appearances without waiting for Respondent No.1 to issue notices.

5. The learned advocate for the Review Applicants assures that a complete set of the pending proceedings before Respondent No.1 would be served upon the learned advocate for the Petitioners by 06.10.2023.

6. We expect Respondent No.1 to decide the pending proceedings on or before 29.12.2023 after following the due procedure laid down in law and

after granting reasonable opportunity of hearing to all the concerned. The Review Application is disposed off.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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