



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CIVIL APPLICATION NO.14814 OF 2023
IN REVIEW APPLICATION (ST) NO.35820/2023
WITH
REVIEW APPLICATION (ST) NO.35820/2023
IN WRIT PETITION NO.9013/2018**

1. Abhay Rasiklal Luniya
 2. Rahul Subhash Sonimandelecha
 3. Manisha Rahul Sonimandelecha
 4. Mrunalini Yeshwant Darekar
 5. Prasad Pramod Bora
 6. Shobha Vijay Munot
 7. Vidya Rajendra Sobale
 8. Ajit Nemichand Kasliwal
 9. Mangal Mahavir Chhajed
 10. Sunita Rajendra Kothari
 11. Vijay Anbarchand Ghandhi
 12. Vaibhav Vikram Dabhade
 13. Vishal Vikram Dabhade
- ... **APPLICANTS**

VERSUS

1. The Ahmednagar Municipal Corporation
through its Deputy Commissioner
 2. The Agriculture Produce Market
Committee Ahmednagar,
Kisan Kranti Building, Station Road,
Market Yard, Ahmadnagar,
through its Secretary
- ... **RESPONDENTS**

**902 CIVIL APPLICATION NO.14815 OF 2023
IN REVIEW APPLICATION (ST) NO.35824/2023
WITH
REVIEW APPLICATION (ST) NO.35824/2023
IN WRIT PETITION NO.9022/2018**

1. Koushik Pravinchand Kothari
2. Dhanashree Dhananjay Joshi
3. Nanasaheb Eknath Deshmukh
4. Sangram Santosh Suryawanshi
5. Komal Sandesh Munot

6. Nitin Popatlal Shingavi
 7. Kiran Amarlal Darda
 8. Bhaskar Vamanrao Pawar
 9. Sourabh Anil Bhalgat
 10. Dhanesh Ganeshmal Kothari
 11. Dipali Dhanesh Kothari
 12. Ritesh Ramesh Sonimandelecha
 13. Rahul Sunil Aouti
 14. Avinash Bhanudas Pawar
- ... **APPLICANTS**

VERSUS

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Ahmednagar, through
its Deputy Commissioner
 2. The Agriculture Produce Market
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Kisan Kranti Building, Station Road,
Market Yard, Ahmadnagar,
through its Secretary
- ... **RESPONDENTS**

...

Advocate for applicants : Mr. S.S. Thombre

...

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

DATE : **13.12.2023**

PER COURT:

The original petitioners from the Writ Petition No.9013/2018 and the Writ Petition No.9022/2018 have filed these review applications along with applications for condonation of delay in filing review applications.

2. The delay in filing the review applications are condoned.

The applications are disposed of.

3. The petitioners are the lease holders of different plots of the Agriculture Produce Market Committee (APMC) who are seeking review of the judgment and order dated 30.06.2023, whereby, their petitions

were dismissed and the respondent No.3 – Municipal Corporation, Ahmednagar was directed to take necessary steps for removal of illegal, unauthorized construction/encroachment raised in the area of open spaces earmarked in the sanctioned layout plan for the APMC, Ahmednagar particularly final plot Nos.17 and 23, pursuant to the notices served to the APMC under Sections 52,53 and 54 of the MRTP Act, 1966 read with Section 260 (1)(2) and Section 478 of the Maharashtra Municipal Corporation Act and soliciting a compliance report within three months.

4. The order was challenged before the Supreme Court by the present petitioners in SLP No.17414/2023. Following is the order passed by the Supreme Court :

“We do not find any good ground and reason to interfere with the impugned judgment and hence, the special leave petitions are dismissed. However, we clarify that the impugned judgment/order and the dismissal of the present special leave petitions would not come in the way of The Agriculture Produce Market Committee, Ahmednagar, in filing an application for change of the layout plan or for construction of shops in areas where such shops are permitted to be constructed. If any such application is filed, the same would be considered and examined in accordance with law and as expeditiously as possible.

The Agriculture Produce Market Committee, Ahmednagar will be permitted to use open plots in accordance with law.

Pending application(s), if any, shall stand disposed of.”

5. It is now being submitted by the learned advocate for the petitioners that pursuant to the observations of the Supreme Court, the APMC has taken steps and modified/revised the plan which has been approved yesterday by the corporation.

6. When we asked the learned advocate for the petitioners as to if the petitioners are seeking to demonstrate any error apparent on the face of the record or any other ground which would enable the petitioners to seek review, particularly after the order of this Court was confirmed up to the Supreme Court, he would submit that in the light of the supervening events, the petitioners are now entitled to protect their possession in view of the revised plan and that cannot happen till the time the order under review subsists.

7. When no formal defect or error apparent on the face of the record is being demonstrated and the petitioners are merely pointing out the supervening events, in our considered view this Court cannot undertake the review of the order which has reached finality in the light of dismissal of the SLP. The supervening events may give rise to an altogether different cause of action but cannot be the basis and ground for seeking review.

8. If at all the petitioners are banking upon the supervening events to demonstrate as to how the order under review cannot be enforced, it would always be open for them to resort to appropriate remedy.

9. The Review Applications are dismissed.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)