

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1294 OF 2023
IN
WRIT PETITION NO.3611 OF 2020
ALONGWITH
INTERIM APPLICATION NO.18180 OF 2022**

Madhav Dubey and Ors. .Applicant
Vs.
State of Maharashtra through
Principal Secretary Urban Development
And Ors. .Respondents

Dr. Dhanalakshmi Iyer advocate for the Applicant

Mr. Akshay Kate a/w.Ms.Sonal Dabholkar i/by. Bagkar & Co. for
Intervener in IA 18180/2022.

Ms. S.S.Bhende AGP for State/Respondent No.1,3 to 5.

Mr. Shrey Shah i/by Vidhi Partners for Respondent No.6.

**CORAM : R.D.DHANUKA, AND
M.M.SATHAYE, JJ.**

DATE : 22nd FEBRUARY 2023

P.C.

1. By this Interim Application, the Applicants (Original
Petitioners) seek modification/clarification of the order dated
05/08/2021 passed by the Division Bench of this Court in Writ

Petition No.3611/2020.

2. Dr.Iyer, learned counsel for the Applicants/Petitioners invited our attention to the prayer clause (b) of the Writ Petition and also para 3 and 5 of the order passed by this Court on 05/08/2021. She submitted that Petitioner has not prayed for Writ of Certiorari or any other relief for setting aside the Deemed Conveyance dated 19/12/2015 as erroneously recorded in para No.3 and 5 of the said order dated 05/08/2021.

3. Learned counsel for Respondent could not point from the petition whether Petitioners have prayed for Writ of Certiorari for quashing of Deemed Conveyance dated 19/12/2015.

4. We have perused the averments made in the petition as well as prayer clauses therein. It is clear that Petitioners have not challenged Deemed Conveyance dated 19/12/2015 and same is inadvertently recorded in para No.3 and 5 of the order dated 05/08/2021. After correction, the paragraphs No.3 and 5 of the order dated 05/08/2021 read thus:

“3. By this Petition under Article 226 of the Constitution of India, the petitioners are seeking to set aside the plans sanctioned in favour of respondent No.6 on 1st August, 2015, and Correction Deed dated 5th September, 2019.

5. Mr.Mone, learned Counsel appearing for respondent No.6 submits that the present petition is filed by the petitioners on 11th January, 2020 for setting aside correction deed dated 5th September 2019.”

5. Interim application is disposed of in the abovesaid terms. No order as to costs.

M.M.SATHAYE, J.

R.D.DHANUKA, J.