

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 6 OF 2023
IN
WRIT PETITION NO. 15243 OF 2022

Chandrashekhar Sitaram Devrukhkar

and Ors.

..Petitioners

V/s.

Collector Mumbai West Suburban

and Ors.

..Respondents

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CHAVAN

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Mr. Nikhil Mengde with Siddesh Dalvi for the Petitioners.

Mr. Rajan Pawar, AGP for the Respondent Nos. 1 to 3, 6 and 7/State.

Mr. R.Y. Sirsikar for Respondent Nos. 4 and 5/MCGM.

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

DATE : 13th FEBRUARY 2023

P.C.

. By this review petition, the Petitioners seek to recall the order passed by this Court on 04.01.2023, whereby dismissing the Writ Petition filed by the Petitioners and directing the Petitioners to handover the vacant possession of the writ property, which was the subject matter of the acquisition to the Respondent No.1 Collector within four weeks from the date of the said order without fail. This Court also directed the Competent Authority to dispose of the inquiry pending under the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013, expeditiously. Being aggrieved by the said order passed by this Court, the Petitioners preferred a Special Leave to Appeal being SLP No. 2204 of 2023. By an order dated 30.01.2023 passed by the Hon'ble Supreme Court, the said SLP came to be dismissed.

2. We have heard learned counsel for the Petitioners. The grievance of the Petitioners is that power of attorney which was executed by the Petitioners in favour of the Developer has been exercised by the Developer after termination of the power of attorney and thus, compensation could not have been paid to the Developer by the Competent Authority. He submitted that the Competent Authority ought to have made a separate Award in respect of additional land in lieu of the land under acquisition.

3. It is common ground that inquiry under Section 64 of the said Act is already pending before the Competent Authority. We have perused the prayers in the review petition. The Petitioners seek to re-argue the entire matter on merits, which is not permissible.

4. The learned counsel for the Petitioners could not demonstrate an error apparent on the face of the record. The Review Petition is misconceived and is accordingly, dismissed.

5. Application for seeking time to handover vacant possession, is rejected.

M.M.SATHAYE, J.

R.D.DHANUKA, J.