

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 7 OF 2023
IN
WRIT PETITION NO. 2584 OF 2022

Ajay Ishwar Ghute and Ors. ... Petitioner

V/s.

Meher K. Patel and Ors. ... Respondents

Mr. Rajesh Adrekar for petitioner.

Mr. Karl Tamboly, counsel a/w Mr. Kuber Wagle I.by Purazar Fouzdar
for original petitioners.

Mr. A.P. Vanarase-AGP for the State.

Mr. Shridhar Gallipilli – Tahsildar, Talasari present.

CORAM : SUNIL B. SHUKRE &
MILIND N. JADHAV, J.J.

DATE : 20th JULY 2023.

P.C. :

1. Heard. We find from the order under Review that this Court has not permitted the parties to do anything more than what has been stated in the minutes of the order filed before the Court. The minutes of the order only state that the concerned authorities shall carry out demarcation of the boundary of the properties of the original petitioners as shown in the plan, marked 'X' and they further state that while constructing the boundary wall as per the order dated 12th February 2021 in the Arbitration Petition No. 451 of 2018, the original petitioners shall ensure that sufficient access is provided for the owners

of land whose property falls within the confines of the boundary wall in a manner that their lands do not become locked by virtue of the construction of the boundary wall.

2. It is these statements made by the parties and reflected in the minutes of the order which have merged with the final order dated 16th March 2022 sought to be reviewed by the review petitioners.

3. These statements would only indicate that this Court has not granted any permission to the original petitioners to act in violation of any provisions of law rather, this Court has only agreed with the contention of both sides that respondent nos. 10 and 11 would carry out the demarcation of the boundary of the properties of the original petitioners. Therefore, if anything has been done or carried out by the original petitioners in excess of what has been stated in the minutes of the order and reflected in the final order dated 16th March 2022 or has been done in violation of any provision of law, the review petitioners would always have liberty to agitate the same before the appropriate forum by initiating appropriate proceedings. In case, they choose to do so, we make it clear here, nothing observed by this Court in the order dated 16th March 2022 shall come in the way of that forum while deciding any issue raised before that forum except those decided by this Court in the said order, on its own merits and strictly in accordance with law. Thus, we find no error apparent on the face of the record here. The review petition is dismissed subject to the observations made herein.

(MILIND N. JADHAV, J)

(SUNIL B. SHUKRE, J)