

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

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**REVIEW PETITION NO.14 OF 2023
IN
WRIT PETITION NO.364 OF 2023**

Mohan Raghunath Jadhav & Ors. .. Petitioners
Versus
The State of Maharashtra through the Secretary,
Urban Development Department & Ors. .. Respondents

Mr.D.R. More i/by Mr.S.A. Gawade for the Petitioners.
Mr.A.I.Patel, Addl. GP a/w Mrs.M.S. Bane, AGP for the State.
Mr.P.B. Gujar for the Respondent No.2.
Mr.V.S. Talkute for the Respondent Nos.6 to 28.

**CORAM : R.D. DHANUKA &
M.M.SATHAYE, JJ.
DATE : 19th April 2023**

P.C.:-

. Mr.More, learned counsel for the Review Petitioners invited out attention to the last four lines of paragraph 7 of the order dated 10th January 2023 passed in Writ Petition under review and submitted that the observations made by this Court i.e. ***“In our view, if the land belongs to the Petitioners, they ought to have pleaded before the learned Trial Court that they have never put up the unauthorised construction on the road.”*** are contrary to the averments made by the Petitioners in the Civil Suit and urged that if said observations are allowed to remain, it will prejudicially affect his clients’ rights in a pending suit.

2. Without going into the correctness of the statement, we delete the aforesaid statement from paragraph 7 of the said order. It is

made clear that the Civil Suit filed by the Petitioners will be decided on its own merits. All contentions of all the parties in the Civil Suit are kept open.

3. In view of above, learned counsel for the Petitioners does not press any other grounds raised in the review petition.

4. The order dated 10th January 2023 is accordingly partly modified. Review petition is disposed off in aforesaid terms. No order as to costs.

M.M.SATHAYE, J.

R.D. DHANUKA, J.