

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2330 OF 2023  
IN  
WRIT PETITION NO.3527 OF 2009

Laxmibai Gopalrao Patil (Deceased) S.G. Patil ...Applicants/  
(Deceased) through by his Lrs. Petitioners

*Versus*

The State of Maharashtra & Ors. ...Respondents

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Mr. Anil J. Ahuja a/w. Ms.Bhavana Khemani, for  
Applicant/Petitioners.

Mr. V. S. Gokhale, 'B' Panel Counsel, for Respondent Nos.1 to  
3/State.

Mr. G. S. Hegde, Senior Counsel a/w. Ms. P.M. Bhansali, for  
Respondent No.2/CIDCO.

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CORAM : R.D. DHANUKA &  
P. D. NAIK, JJ.

DATED : 15<sup>th</sup> March, 2023

P.C. :

. By this interim application, the Applicants seeks  
clarification of the operative part of the Order dated 04.03.2021  
by incorporating the relief in terms of prayer clause (b) granted  
by this Court as per order dictated in open Court on 18.07.2019.

2. It is the case of the Applicant that on 18.07.2019 this  
Court has passed an operative Order in open court, as under:

*“The applications u/s. 28A of the Land Acquisition Act, 1894 filed by the petitioners in all the petitions are held to have been filed within limitation. The writ petitions therefore, stand allowed in terms of prayer clause ‘b’. In the circumstances, the parties to bear their own costs.”*

3. It is the case of the Review Petitioners that the Order passed on 04.03.2021 was uploaded on the website on 05.03.2021. However, the Order which was alleged to have been dictated on 18.07.2019 is not incorporated in the said Order. Learned counsel for the Review Petitioners submits that since the issue of limitation was already concluded in favour of the Petitioners as far as back as on 18.07.2019 while dictating the operative part of the Order by this Court, the said portion of the Order ought to have been part of the Order dictated on 04.03.2021. He submits that the authority thus could not have rejected the applications filed by the Review Petitioners on the ground of limitation.

4. The interim application for clarification is vehemently opposed by Mr. Gokhale, learned ‘B’ Panel counsel for the State and Mr. Hegde, learned senior counsel for the CIDCO, on the

ground no such oral Order was dictated in the open Court as sought to be canvassed by the learned counsel for the Review Petitioners more particularly paragraph 2 of the interim application.

5. Our attention is also invited to the Order dated 02.03.2021 passed in Chamber by the Division Bench. After seeking certain clarifications, this Court closed the matter for Orders on 02.03.2021.

6. We have perused the endorsement made on the website of High Court annexed Exhibit-‘B’ to the interim application, which indicates that the last date mentioned was 18.07.2019 and the stage mentioned as ‘passing orders’. We have also perused the Order dated 02.03.2021 passed by the same Division Bench stating that while correcting the judgment, the Division Bench found that certain clarifications were required. Hence, the petition was listed in the Chamber on 02.03.2021. This Court recorded the statements made by the learned counsel for the Petitioners and closed the matter for orders.

7. The Review Petitioners are not seeking clarification of the

Order dated 02.03.2021. If according to Review Petitioners the issue of limitation was already decided in favour of the Petitioners by passing the Order on 18.07.2019, the Review Petitioners ought to have brought this case of the Review Petitioners to the notice of the Division Bench on 02.03.2021. We are bound by the records of this Court in view of Article 215 of Constitution of India. What transpired in the Court orally and not forming part of the record, cannot be considered.

8. The learned counsel for the Review Petitioners could not produce any such Order alleged to have been dictated by the Division Bench on 18.07.2019. We cannot take cognizance of the alleged Order set out by the Review Petitioners in paragraph 2 of the interim application and cannot insert that part of the Order in the Order dated 04.03.2021.

9. It is common ground that after passing of the said Order dated 04.03.2021, the authority has already rejected the applications filed by the Review Petitioners u/s.28(A) of the Land Acquisition Act, on the ground that the applications have been time barred. Review Petitioners did not bother to challenge the Order dated 02.03.2021 or 04.03.2021 and filed Review

Petition only after dismissal of Applications filed by the Petitioners by the Authority.

10. No case is made for clarifications of the Order dated 04.03.2021. The interim application is thoroughly misconceived and is accordingly rejected. No order as to cost.

(P. D. NAIK, J.)

(R.D. DHANUKA, J.)