

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.81 OF 2023
IN
WRIT PETITION NO.9186 OF 2022**

Sagrika Dinkar Rai & Anr

....Petitioners

V/s.

Datttraya Maruti Ghule & Ors

...Respondents

WITH
INTERIM APPLICATION NO.16312 OF 2023
WITH
INTERIM APPLICATION NO.16313 OF 2023
WITH
INTERIM APPLICATION NO.16314 OF 2023
IN
REVIEW PETITION NO.81 OF 2023

Mr. Atharva Dandekar for Petitioners.

Mr. Vinayak Palande i/b Mr. Jotiba Jadhav for Respondent No.1.

Ms K. N. Solunke, AGP for State.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ
DATED : 13th OCTOBER 2023**

P.C. :

1 This review petition, though, lodged only on 4th October 2023, was mentioned for circulation this morning. The court being satisfied with the urgency of the matter, directed notice be given to respondents in the review petition and granted circulation for 2.30p.m. today. Respondent no.1, who was the original petitioner and the other respondents are represented.

2 Review petitioners' case is that the order in Writ Petition No.9186 of 2022 has been taken without making review petitioners as party and review

petitioners were proper and necessary party. Various allegations have been made in the review petition and the reason for the delay of approximately 6 months in filing the review petition is also explained. The basic grievance is review petitioners are in possession of the land which was the subject matter of the writ petition no.9186 of 2022. The review petitioner is one, who is entitled to the land and not the original petitioner and various allegations of fraud etc., have been made against the original petitioner.

3 In the order dated 22nd February 2023, of which review is prayed for, the court has only directed respondent no.3 (respondent no.2 in the original order, District Collector Pune) to consider the representation dated 18th January 2022, read with representation dated 25th January 2022, read with representation dated 27th January 2022, made by the original petitioner. The court also permitted the original petitioner to file a supplementary representation. Respondent no.3 was directed to consider all the representations together and pass a reasoned order after giving a personal hearing. Mr. Jadhav for original petitioner states his instructions are that respondent no.3 has concluded the hearing and closed the matter for orders but no order has been passed yet.

4 Therefore, without going into the allegations in the review petition, we would dispose the review petition by only directing respondent no.3 not to proceed to pass any order until the review petitioner is heard. The original petitioner shall give a copy of the representations made including the supplementary representation or any further written submissions made

together with any document relied upon, to the review petitioner within two weeks from today. Review petitioner shall within two weeks thereafter, file their response to the representations together with documents in support of their response. Respondent no.3 shall dispose the representations made by original petitioner- Dattatray M Ghule after giving a fresh personal hearing to both original petitioner as well as review petitioners and pass such orders as he deems fit in accordance with law. The notice of personal hearing shall be given at least five working days in advance. Both parties assure the court that they shall not delay the proceeding before respondent no.3 and will not seek any adjournment unless the notice is shorter than five working days and that also, only if really necessary. The order to be passed shall be a reasoned order dealing with all submissions of the review petitioner as well as the original petitioner.

5 We clarify that we have not made any observation on merits of review petitioners' case. The delay in filing the review petition is condoned and petition disposed. All rights and contentions of the parties are kept open to be raised before respondent no.3.

6 Consequently, all interim applications stand disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)