



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3703 OF 2023

[Ramdas Jayram Jagtap and Anr. .Vs. The State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr R. G. Kavimandan, Advocate for Petitioners.
Mr/s A. J. Gohokar, AGP for Respondent Nos.1, 2, 4 to 6.
Mr A. S. Manohar, Advocate for Respondent No.3.

CORAM : **AVINASH G. GHAROTE, J.**

DATE : **28th NOVEMBER, 2023.**

. The order dated 04.09.2019 (Page 112) is in challenge on the ground that the provision of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947, do not confer any power of review upon the respondent No.1.

2. What is material to note, is that the order dated 04.09.2019, merely corrects the operative part of the order dated 05.03.2019 (Page 84), inasmuch as the order dated 05.03.2019 in the reasoning portion holds that the order dated 01.11.2013 regarding the correction in consolidation scheme was based upon an incorrect factual premise, as a consequence of which, finding rendered, the appeal ought to have been allowed, however the operative part dismisses the appeal. The order dated 04.09.2019, merely corrects the operative part of the order dated

05.03.2019 to bring it in the consonance with the reasoning and finding as recorded in the order dated 05.03.2019 which cannot be said to be exercise of power of review. I therefore do not see any reason to interfere in the order dated 05.09.2019. The petition is therefore dismissed with no order as to costs.

3. Needless to say that the petitioners shall have the right to challenge the order dated 05.09.2019 in appropriate proceedings, as permissible in law.

4. The interim order dated 19.06.2023 shall continue for a period of two weeks from today.

JUDGE