



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

CIVIL APPLICATION (CAO) NO. 1462/2023

IN

MISC. CIVIL APPLICATION (ST) NO.22968/2023

IN

WRIT PETITION NO. 2987/2023 (D)

Gram Panchayat, Panvadala

Vs.

Aurobindo Realty & Infrastructure Private Ltd.

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

Court's or Judge's order

.....
Dr. R. S. Sirpurkar, Advocate for Applicant.
Ms. S. S. Jachak, Addl.G.P for Non-applicant (s)/State.

CORAM : SMT. ANUJA PRABHUDESSAI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 11.12.2023

. The applicant seeks to condone the delay of 91 days in filing the review application.

2. The delay is condoned.

3. The review application be registered.

MISC. CIVIL APPLICATION (ST) NO.22968/2023

1. The petitioner seeks review of order dated 08.08.2023 in Writ Petition No.2987/2023.

2. Learned Counsel for the review petitioner states that several averments are made in the review petition relating to the Gram Panchayat and protest of the villagers. She further states that the respondent No.3, who is in collusion with the petitioner has filed the affidavit-in-reply to support the case of the petitioner. She submits that the order under review will adversely affect the interest of the review petitioner.

3. We have perused the record.

4. The respondent No.1 had filed the Writ Petition No.2987/2022 seeking directions against the District Collector, Chandrapur to take all necessary measures and actions necessary for allowing the mining operations to start at the part of Subject Coalmine land admeasuring 128 Ha at the earliest and further to execute the Vesting Order dated 03.03.2021 and to give physical possession of the Subject Coalmine to the petitioner to carry out mining operations.

5. The said petition was disposed of by order dated 08.08.2023. Paragraph 2 and 3 of the said order read thus :

“2. Pursuant to the notice issued on 04/05/2023, affidavit has been filed by respondent No.3-District Mining Officer, Chandrapur. In paragraph 15 it has been stated as under :

“It is most respectfully submitted that the respondent no.3 has already completed his part towards the mining activities of the petitioner on 128 Ha and there is no obstacles from respondent no.3 for carrying out the mining operation by the petitioner. All the process for the mining operations are carried out the petitioner himself. The petitioner is already handed over with the 128 Ha land and previous allottee is carrying the mining activities over their so the operation of the mining on the said land is not at all difficult for the petitioner.”

3. In view of aforesaid, the purpose of filing of the writ petition stands served. In the light of what has been stated in paragraph 15 of the affidavit filed by Mining Authority, the petitioner can carry out mining operations on the land admeasuring 128 Ha in accordance with law.

6. It is to be noted that the petitioner, who was not a party to the petition could apply for review of the order only if it is prejudicially affected or aggrieved by the order. A perusal of the said order, reveals that the petition was disposed of in view of the affidavit filed by the respondent No.3- District Mining Officer stating that all the measures and actions necessary for allowing mining operation were already completed by respondent No.3 and that the petitioner was already put in possession of the land admeasuring 128 Ha. The petition was disposed of mainly considering the fact that the purpose for which the petition was filed, was served. The order does not affect the rights of the petitioner.

7. If at all the review petitioner has any grievance against the respondent No.1 and/or respondent No.3, independent remedy is available to the petitioner to redress its grievance.

8. The application does not fall within the scope and ambit of Order 47 Rule 1 of the Civil Procedure Code, 1908. Hence, the review petition is dismissed.

(MRS.VRUSHALI V. JOSHI, J.) (SMT. ANUJA PRABHUDESSAI, J.)