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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION (CIVIL) NO. 187 OF 2024
IN WP/1745/2023**

Ashok Sahebrao Waman And Others

....Applicant

VERSUS

The State Of Maharashtra Through Its Secretary And Others

.....Respondent

.....
Advocate for Applicant : Mr. Kakde Yuvraj Vijayrao
AGP for Respondents: Mr. K.B. Jadhavar.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 18TH JULY, 2024.**

ORDER :-

The applicant seeks review of the order dated 19.6.2024 passed in W.P. No. 1745 of 2023.

2. Mr. Yuvraj Kakde, learned advocate for the petitioner submits that the order under review needs to be recalled for the reason that Panchanama is carried out by Talathi, who was assigned some election duty by the tahsildar. As such, his presence on the spot is doubtful.

3. Secondly, he submits that the limitation period prescribed under the Mamlatdar Courts Act is only six months. The applicant has specifically raised the plea that construction material that was used for creating so called hurdle was purchased prior to the date of cause of action pleaded before the Mamlatdar while initiating proceeding under Section 5 of the Mamlatdar's Courts Act. According to him, both these

factual aspects go to the root of the matter and required to be re-examined in exercise of review jurisdiction of this court.

4. Having considered the submissions advanced, it is apparent that the petitioner is relying upon notice dated 2.11.2023 issued by tahsildar by which Talathi of respective villages were asked to remain present at 8.00 a.m. on 4.11.2023 for collection of the material regarding election. It is true that panchanama relied by both the authorities below regarding spot panchanama depicts date as 4.11.2023. However, from the order of the learned Tahsildar dated 2.11.2023, it is difficult to draw a definite inference that Talathi was held up or stranded for the entire day in the office of Tahsildar when he was called to collect the material at about 8.00 a.m. Therefore, no inference can be drawn that Talathi could not carry out the panchanama on that day.

5. The second contention that the material that was used for construction of compound wall fencing was purchased much prior to date of cause of action. It can be gathered that on the basis of date of purchase material, the date of cause of action cannot be determined. The respondents have specifically pleaded the cause of action in the application that has been considered by both the authorities and same was upheld by this Court. Therefore, on the basis of some material upon which the inference can be drawn, the order cannot be reviewed. No case is made out for review of the order. The application stands rejected.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-