



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 171 OF 2024
IN WP/5440/2024

SAI SAMARTH METAL AND SAND
THROUGH ITS PROPRIETOR DEEPALI AVINASH MORE
VERSUS
SURYABHAN YASHWANT LAHADE AND OTHERS

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Advocate for Applicant : Mr. Tope Sambhaji Subhashrao
AGP for Respondents/State : Mr. V.M. Kagne
Advocate for Resp./1 to 18 : Mr. T.M. Venjane
Advocate for the Resp.No.25 : Mr. Y.K. Bobade h/f. P.P. More

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 4th September, 2024

P.C. :-

1. We have extensively heard the learned advocates for the respective sides, over the last three dates. Two things emerge from the record.

Firstly, that the Petitioners have apparently attempted to misled the Court. When we passed a single paragraph order on 11.06.2024, certain documents were shown to us. We, therefore, directed the Tahsidlar, Renapur to abide by a communication dated 01.11.2023, issued by the SDO, Renapur.

Secondly, the present Petitioner was Respondent No.10 in the Writ Petition. Since an innocuous prayer was put-forth, we disposed off the Petition without issuing notice to Respondent No.10, vide our order dated 11.06.2024, which is sought to be reviewed.

2. After considering the submissions of the learned advocate for the Original Respondent No.10-Establishment and the learned AGP, in the light of the affidavit in reply dated 30.08.2024, filed by the District Collector, it is apparent that the Review Petitioner needs a hearing in the Writ Petition, which was disposed off without issuing notice to him.

3. In view of the above and for the reason of granting an opportunity of hearing to the Review Petitioner, **the Review Application is allowed**. The order dated 11.06.2024, is recalled and Writ Petition No.5440/20254, is restored.

ORDER BELOW WRIT PETITION NO.5440/2024:

4. Issue notice to the Respondents, returnable on 30.09.2024. The learned AGP waives service of notice on behalf of Respondent Nos.1, 5 and 8. The learned advocate Mr. Bobade, waives service of notice on behalf of Respondent No.7 and learned advocate Mr. Tope, waives service of notice

on behalf of Respondent No.10. Let the affidavits in reply be filed in the Writ Petition, at least one week prior to the returnable date.

5. All office objections to be removed on or before 23.09.2024, failing which, the Petition shall stand dismissed without reference to the Court, on 26.09.2024.

6. The prayer of Respondent No.10 to impose exemplary costs on the Petitioner for making a misleading statement in the Petition, would be considered on the returnable date.

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]