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904ra267.23

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

**904 REVIEW APPLICATION NO. 267 OF 2023
IN
WRIT PETITION NO. 8956 OF 2023**

1. Gangadhar S/o. Satwaji Munde, **...APPLICANT**
Age-55 years, Occu-Mistri, [Ori. Resp No.5]
R/o. Bori (Kh), Tq. Kandhar,
Dist. Nanded

VERSUS

1. Sunita Ramkrishna Pandalwad, **...PETITIONERS**
Age- 39 years, Occu-Business & Sapranch
R/o. Bori (Kh), Tq. Kandhar, Dist. Nanded
2. The State of Maharashtra,
Through its Secretary, Rural Development,
Department, Mantralaya, Mumbai-32
3. The Additional Divisional Commissioner,
Aurangabad Division, Aurangabad
4. The Collector, Nanded,
Nanded
5. The Block Development Officer,
Panchayat Samiti, Kandhar
Tq. Kandhar, Dist. Nanded

Mr. U. B. Deshmukh, Advocate for the applicant
Mr. H. I. Pathan, Advocate for respondent No.1
Mr. S. B. Pulkundwar, Advocate for respondent No.5

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

P. C.

1. Heard the learned advocates for the parties.
2. This application is for seeking review of the order passed by this court in writ petition No. 8956/2023 dated 09-08-2023 by which the petition came to be allowed.
3. This court by way of said judgment and order had allowed the petition holding that the petitioner has not incurred disqualification under Section 14(1)(j-3). It is recorded that present applicant failed to prove that there is encroachment on public/government land. Main ground of review is that this observation is not correct. There is in fact encroachment made by the petitioner in the petition i.e. respondent No.1 herein. It is submitted that observation in para No. 13 is not as per record. This court in the said para had observed that there was no material to show that the report of Deputy Engineer of Zilla Parishad (Construction) was incorrect. It is further observed that

there is no other material to show that there is encroachment on public/government land. Though it is submitted that this observation is not as per record, however, learned advocate for the applicant could not point out from the record which was produced before this court alongwith petition. This court gone through the map downloaded from the website of Google it was not a part of record. In review application, the applicant has to show the error apparent on the face of record. In the present case, the applicant now wants this court to look into some other material which was not before the court.

4. It is further submitted that before the learned Collector, respondent No.1 had accepted that there was encroachment shown in Extract-8. This court has gone through the said reply. In para 6, respondent has clearly denied that there is any encroachment on the government land or on the road. It is vehemently denied that there is no any excess construction. Further it is stated that remark taken on the extract No. 8 in Grampanchayat record is not correct. This court

does not find any admission on the part of the respondent in her say.

5. No any other ground is argued to show any error on the face of record. This court finds that no case is made out to entertain the review application. The review application thus, stands dismissed.

6. Needless to say that observations made in the petition are only to the extent of dispute before this court in respect of disqualification under Section 14(1)(j-3) on the basis of material that was produced before this court.

7. In view of dismissal of the review application, pending civil applications, if any do not survive and stand disposed off.

[KISHORE C. SANT, J.]