

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Review Petition No. 1 of 2023
In
Public Interest Litigation No.70 of 2019
With
Interim Application No.435 of 2019
In
Review Petition No.1 of 2023

Shri Ramesh M. Sarnaik & Others ... Petitioners.

V/s.

Shri Arun Baburao Kadam & Others ... Respondents.

Mr Kush Lahankar i/b. Mr. S.R. Ganbavale for the Petitioners.

Mr. Dhairyasheel Sutar a/w. Mr. Deepak Jain and Ms. Latika Kabad
for Respondent Nos.1 to 3.

Mr. M.M. Pabale, AGP for Respondent Nos.4,5,6 & 8.

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 10 June 2024.

P.C. :

Having heard the learned counsel for the parties, we do not deem it necessary to review the order dated 19 July 2019 as the order dated 19 July 2019 had only directed as under:

“12. We dispose of the Petition directing that the

Writ Petition be treated as a representation to the Collector, District Kolhapur. The District Collector, Kolhapur would ensure that the Gairan land is made free from encroachment and the unauthorized structures constructed are demolished.

13. Needless to state the Collector has enough power to direct the local Police Authorities to provide Police Aid in case there is resistance to the removal of encroachment.”

There is no adjudication regarding the case of the Review Petitioner.

2. The learned counsel for the original Petitioner points out that the Collector, District Kolhapur has considered Petition as representation, carried out measurements and issued certain orders against the Review Petitioners. He also points out that in the order passed by the Hon'ble Supreme Court dated 17 January 2020 status-quo was granted and the review Petition was directed to be decided expeditiously preferably within four weeks. In the light of this order, we are not inclined to defer the hearing of this Review Petition any further as requested by the counsel for the Review Petitioner. More particularly since the Review Petitioners would have their remedies open to take substantive proceedings against the order of the Collector. To enable them to do so, the position envisaged under the order of status-quo issued by the Hon'ble Supreme Court will continue for a period of six weeks from today.

3. The Review Petition is accordingly disposed of.

4. In view of disposal of Review Petition, pending Interim Application also stands disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

L.S. Panjwani, P.S.