

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

**REVIEW PETITION NO.48 OF 2024
IN
WRIT PETITION NO.4793 OF 2024**

Anup Limbraj Dure,	]
Chief Officer, Municipal Council, Khopoli	] .. Petitioner
<i>Versus</i>	
1. The State of Maharashtra,	]
Through Urban Development Department.	]
2. The Collector, Dist. Raigad.	]
3. Pankaj Patil-Pawar,	]
Chief Officer, Palghar Municipal Council.	] .. Respondents

Mr. S.B. Talekar, with Mr. Shubham Gurav, Advocates, i/by Talekar & Associates, for the Review Petitioner.

Mr. B.V. Samant, Addl. G.P., with Smt. R.A. Salunkhe, Asst. G.P., for Respondent Nos.1 and 2-State of Maharashtra.

Mr. Gaurav Bandiwadekar, Advocate for Respondent No.3.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 16TH APRIL, 2024.

ORAL JUDGMENT : (Per A.S. Chandurkar, J.)

1. Notice on the Review Petition is made returnable forthwith. Learned AGP waives notice for respondent nos.1 and 2, Mr. Bandiwadekar, learned counsel waives notice for respondent no.3.

2. At the outset we may state that the observations made in para 1 of the order dated 8th April 2024 that a prayer for interim relief is yet to be considered by the Tribunal are not in accordance with the record for the reason that the prayer for interim relief was considered by the Tribunal on 11th January 2024 and no interim relief was granted by the Tribunal. To

that extent, the observations made in para 1 of the order dated 8th April 2024 are required to be reviewed. Similarly, observations that the prayer for interim relief would be considered on the next date as made in para 2 of the said order are also reviewed. It is noted that the Tribunal refused interim relief on 11th January 2024.

3. In the writ petition, challenge has been raised to the order dated 11th January 2024 passed in Original Application No.1577 of 2023 by which the Tribunal refused to grant any interim relief. It is however seen that Original Application No.1577 of 2023 is pending consideration. We therefore are not inclined to examine the challenge to the interim order at this stage. It is informed that the State Government has filed its affidavit-in-reply. Similarly, respondent no.3 has also filed his affidavit-in-reply. Since the next date of the proceedings is 29th April 2024 and as the pleadings are stated to be complete, the Tribunal is requested to make an endeavour to decide the Original Application finally on its own merit after hearing all parties. That exercise be conducted preferably within a period of three weeks of the next date of the proceedings. All points raised are kept open.

4. The Review Petition is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]