

VRJ

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

**CIVIL APPLICATION NO.10 OF 2021
IN
WRIT PETITION NO.11755 OF 2016**

VAIBHAV
RAMESH
JADHAV
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Bobby Mohanty	... Applicant
<i>In the matter between</i>	
Bobby Mohanty & Anr.	... Petitioners
V/s.	
Chief Controller Revenue Authority	
Maharashtra State & Ors.	... Respondents

Mr. Mohammed Zain Khan with Mr. Ashraf Kapoor for the applicant.

Ms. D. S. Deshmukh, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 26, 2024

P.C.:

1. Since the petitions pertaining to the year 1997 are still pending for final hearing, at this stage application cannot be entertained.
2. The application is, therefore, rejected.
3. Since the writ petition challenges impugned order, it is not necessary to consider the reply as the validity of the impugned order has to be tested based on the reasons to the impugned order and such reasons cannot be substituted by affidavit-in-reply. This

position is well settled in view of Constitutional Bench decision of the Apex Court in **Mohinder Singh Gill & Anr. vs. The Chief Election Commissioner, New Delhi & Ors.** reported in (1978) 1 SCC 405.

(AMIT BORKAR, J.)