

PVR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 149 OF 2024

IN

WRIT PETITION NO.6028 OF 2021

Sudhir Madhavrao Kudale & Ors.

...Petitioners

Versus

Union of India & Ors.

...Respondents

Mr. Nikhil R. Dongre with Mr. Omkar Kudale & Abhishek Wakhle, for the
Petitioners.

Mr. Ashutosh Misra, for Respondent No.1-UOI.

**CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESHAN, JJ.
(IN CHAMBER AT 2.15 p.m.)**

DATED: 2nd December 2024.

P.C.

1. We have heard learned Counsel for the review petitioner as also learned
Counsel for respondent No.1.

2. The review as sought in the present petition is of the judgment and
order dated 15 October 2024 rendered on the aforesaid writ petition. The
petitioners have a grievance to the observations made by us in paragraph 14 of
the judgment in regard to demolition of the structure which was existing.

These observations read thus:

“14. There is one other facet of the matter. The
Petitioners have explicitly pleaded in the Petition that
Shantiniketan stood demolished, without payment of a
single rupee towards their compensation, and yet in the

Interim Application, in 2022, they have prayed that further demolition must be stopped. If the structure according to the Petitioners' own case had been demolished, which they have demonstrated with date-stamped photographs annexed to the Petition, it would only follow that the Interim Application did not really make out a case of demolition being effected without due process of acquisition. This is why the Division Bench of this Court adjusted equities by maintaining status quo – prohibiting any further demolition and also prohibiting any further construction by the Petitioners.”

3. We have carefully considered the grounds which are set out in the review petition. We have already observed that such issues are disputed factual issues. Also on such assertion, the petitioners did not pursue the Civil suit instituted by them in the year 2015 which came to be dismissed for non prosecution. In any event, such disputed questions of facts could not have been gone into in the writ proceedings filed under Article 226 of the Constitution of India.
4. Thus, we do not find any error apparent on the face of the judgment.
5. We are not inclined to entertain this review petition. It is accordingly rejected.

(SOMASEKHAR SUNDARESHAN, J.)

(G. S. KULKARNI, J.)