

ANANT
KRISHNA
NAIK

Digitally
signed by
ANANT
KRISHNA
NAIK
Date:
2025.10.03
10:31:54
+0530

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

**REVIEW PETITION NO. 114 OF 2025
IN
WRIT PETITION 14530 OF 2022**

Avinash s/o Ashok Anante & Ors
V/S

....Petitioners

The State Of Maharashtra Thr Its Secretary,
Tribal Development Department & Ors

....Respondents

Mr. Sahil Choudhary for the Petitioners.

Smt. Ashwini A. Purav, AGP for Respondent Nos. 1 to 3-State.

**CORAM : A. S. GADKARI AND
M. M. SATHAYE, JJ.**

DATE : 1st OCTOBER 2025

ORDER (Per M. M. SATHAYE, J):

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Petitioners pointed out that, the writ petition was filed challenging two Orders of Scrutiny Committee dated 27/12/2021 and 16/03/2022. That the impugned Order dated 27/12/2021 was in the matter of Petitioner No.1-Avinash Ashok Anante and the impugned Order dated 16/03/2022 was in the matter of Petitioner Nos. 2 and 3 (Santosh Ashok Anante and Sandeep Ashok Anante). He further pointed out that, by Order under review dated 01/04/2024, the Court has only considered impugned Order dated 16/03/2022, but not considered the other impugned Order dated 27/12/2021 in respect of Petitioner No. 1. He submits that, since the petition is dismissed, it is likely to prejudicially affect Petitioner No. 1-Avinash Ashok Anante in as much it is dismissed without considering his impugned Order dated 27/12/2021.

3. We have considered the submission. From perusal of Order under review, it is clear that only one impugned Order dated 16/03/2022 was considered and the other impugned Order dated 27/12/2021 was not considered at all. Therefore, there is error apparent on the face of record in as much as impugned Order dated 27/12/2021 is concerned.

4. Learned Counsel for the Petitioner No.1-Avinash Ashok Anante on instructions submitted that, the Petitioner No. 1 is ready to withdraw from the aforesaid Writ Petition and give up challenge to his impugned Order dated 27/12/2021.

5. In fact the petition filed for challenging two impugned Orders suffered from mis-joinder of causes of action and mis-joinder of parties.

6. However, since Petitioner No. 1 has volunteered to withdraw from the Petition and withdraw his challenge to the impugned Order dated 27/12/2021, we are clarifying that the Petitioner can proceed in accordance with the direction under Order 27/12/2021 and approach the concerned Sub-Divisional Officer (SDO) afresh, keeping all contentions on merits open, as per leave already granted under said Order. Petitioner No. 1 is permitted to approach the concerned SDO within a period of four weeks from today.

7. So far Petitioner Nos. 2 & 3 are concerned, no ground for review is made out. The contention raised by learned counsel for the Petitioner Nos. 2 and 3 in respect of date of Validity Certificate issued to Rangnath Bhairu Anante cannot be considered in Review Petition, because the date is taken from the impugned Order, paragraph 12 and it was not pointed out at the time of passing Order that the said date is allegedly wrong. A new document cannot be considered for the first time in a Review Petition. In any case, said validity certificate has been considered in detail by the Scrutiny Committee in paragraph 12 and its re-appreciation is not permissible in the limited review jurisdiction.

8. The Review Petition is accordingly dismissed for Petitioner Nos. 2 and
3. The Review Petition is allowed in the aforesaid terms for Petitioner No. 1.

(M. M. SATHAYE, J.)

(A. S. GADKARI, J.)