

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 76 OF 2025

IN

WRIT PETITION (ST.) NO. 615 OF 2025

Mahadeo Laxman Bhuyal & Ors. ] *Petitioners*

: *Versus* :

The State of Maharashtra & Ors. ] *Respondents*

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**Mr. Ashutosh Kulkarni** *a/w. Ms. Vrushali Maindad, Ms. Shaheen Kapadia and Mr. Kunal Rathod, for the Petitioners.*

**Mr. Atul Damle, Senior Advocate** *i/by. Ms. Uma Palsuledesai, for Respondent Nos.3 to 5-MMR-SRA.*

**Mr. Vineet Naik, Senior Advocate** *i/by. Ms. Sumanth Anchan, for Respondent No.8.*

**Mr. Mayur Khandeparkar** *i/by. Ms. Prachi Mulje for Respondent No.10.*

**Ms. Dhruti Kapadia, AGP for State.**

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**CORAM : SANDEEP V. MARNE, J.**

**Dated : 22 April 2025.**

**P.C. :**

1) By this petition, the Petitioners seek review of the judgment dated 4 April 2025. The ground on which review is sought is inability of the Petitioners to bring to the notice of this Court certain documents

at the time of hearing of the main petition. It is contended that Petitioners being tribals and illiterate persons, could not lay their hand to the additional documents, which are now sought to be placed alongwith the Review Petition.

2) It appears that the judgment under review was assailed before the Hon'ble Apex Court in Special Leave to Appeal (C) No.10713/2025 which came to be withdrawn on 17 April 2025 with liberty to approach this Court by way of Review Petition on the ground that certain material documents could not be filed before this Court.

3) The additional documents that are now sought to be relied upon in the Review Petition are :

(i) letter dated 22 April 2008 by the Collector, Thane to Principal Secretary, Revenue and Forest Department,

(ii) letter dated 23 January 2009 of Collector to the Divisional Commissioner.

(iii) letter dated 7 May 2009 of Divisional Commissioner to Principal Chief Secretary.

(iv) letter dated 17 October 2002 of Circle Officer to the Tahsildar, Thane.

4) Perusal of the above documents would indicate that the same is mere correspondence between different officials of the State Government dealing with request of the Petitioners for mutation of their names to the revenue records in pursuance of their claim of being allottees of the plots of land. Though the above four documents were not filed alongwith the writ petition, it appears that several similar documents were produced before this Court during the course of hearing of main Writ Petition. This Court has made detailed reference

to various correspondence between the revenue officials, as well as with CEO/SRA in the judgment under review. Therefore, the documents that are now sought to be relied upon in the review petition do not make the case of the Petitioners any better. This Court has recorded a finding that inference of title cannot be drawn in absence of production of any valid allotment order issued by the Collector allotting any portion of the land in favour of any of the Petitioners. This finding would continue to survive notwithstanding production of additional documents alongwith the review petition. Additional documents do not indicate that the land was allotted in the names of the Petitioners.

5) In my view, therefore there is neither any error apparent on the face of the record in the judgment under review nor production of additional documents by the Petitioners is a ground for taking a different view than the one taken in the judgment under review.

6) No case is made out for review of the judgment and order dated 4 April 2025. The review petition is accordingly rejected.

7) After the order is pronounced, Mr. Kulkarni, the learned counsel appearing for the Review Petitioners would pray for grant of protection against the demolition of structures. The request is vehemently opposed by the learned senior advocates appearing for the SRA and the Developer. In fact, attention of this Court is drawn to the letter dated 21 April 2025 of the Competent Authority, SRA which indicates that on 21 April 2025, she received a telephonic call threatening her of implication in offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 if demolition action was taken. By letter dated 21 April 2025, the Competent Authority has lodged complaint with the Deputy Commissioner of Police. It is urged that the prayer for stay be rejected

considering the conduct of the Petitioners. At the time of pronouncement of the judgment on 4 April 2025, this Court did not grant stay on demolition, but statement on behalf of the learned senior advocate appearing for the Developer was recorded for not taking steps for a period of 2 weeks for moving proceedings before the SRA for implementation of eviction order. The said period is long since over. This is yet another reason why no protection can be granted in favour of the Petitioners while rejecting the review petition.

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[SANDEEP V. MARNE, J.]