



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1789 OF 2025
IN
WRIT PETITION NO. 2608 OF 2025

Yeshwant S/o. Vinayak Harne and others

.v/s.

The Collector, Amravati and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. R. Agrawal, Advocate for the applicants.
Mr. J. Y. Ghurde, AGP for respondent Nos. 1 and 2/State.
Mr. C. S. Tamhane, Advocate for the petitioners.

**CORAM : ANIL S. KILOR AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 08.08.2025.

This is an application filed in a disposed of
Writ Petition No.2608 of 2025 for recalling of order dated
09.05.2025.

2. We have heard learned counsel Shri P. R.
Agrawal for the applicants and learned counsel Shri C. S.
Tamhane for the petitioners in Writ Petition No. 2608 of
2025 and learned AGP Mr J. Y. Ghurde for respondent
Nos.1 and 2/State.

3. Shri P. R. Agrawal, learned counsel for the
applicants submits that by suppressing the certain material

facts, the order dated 09.05.2025 was obtained from this Court by the petitioners. It is argued that otherwise the fate of the petition would have been different.

4. Shri C. S. Tamhane, learned counsel for the petitioners tried to justify the reason for not stating the fact about the dismissal of Second Appeal and pendency of the application for restoration of the said second appeal and further receipt of notice in the said matter. He further tried to justify that the applicants were not made party to the present proceeding as the relief which was sought was against the Collector.

5. Having gone through the writ petition, we find substance in the submission of the learned counsel for the applicants that material facts were suppressed by the petitioners while obtaining the order dated 09.05.2025. The fact that the application for restoration of second appeal is pending has bearing on the prayers made in the writ petition and such material facts have been suppressed.

6. In that view of the matter, we deprecate such practice of suppressing the material facts and recall the order dated 09.05.2025 by restoring the Writ Petition No.2608 of 2025 to its original stage.

7. The Civil Application stands **disposed of**, accordingly.

8. Place the Writ Petition No. 2608 of 2025 on
18.08.2025 for hearing.

(Vrushali V. Joshi, J.)

(Anil S. Kilor, J.)