

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10602 OF 2024

IN REVIEW APPLICATION (ST.) NO. 26661 OF 2024

IN SECOND APPEAL NO. 90 OF 2021

Kumar Masaji Ghansawdh

Appellant

Versus

1. Motising Sajjansing Munot
2. The Municipal Council, Jintur
3. Manoharappa Annappa Kolhe
4. Ashok Gangadharrao Wadgaonkar
(Deleted)

5. Venkat Nandkumar Wadgaonkar

Respondents

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Mr. Arwind S. Deshmukh, Advocates for the appellant.

Mr. Rajesh Mewara, Advocates for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

Reserved on : 17.10.2025

Pronounced on: 16.01.2026

Order :

1. By filing this application, the applicant/petitioner, who is the original plaintiff No.4, is seeking condonation of delay of 90 days in filing the Review Application on the ground that in the judgment, it is not referred as to whether the Government had accorded sanction to the revised plan in respect of which Municipal Council entered into private agreement with respondent No.1 by altering DP Road.

2. Learned counsel for the applicant/petitioner submits that though it was contended that development plan was revised, but sanction to that effect is not on record, and therefore, oral evidence led by the respondents about private agreement cannot be considered in absence of sanction for development plan.

3. On the contrary, learned counsel for respondent No.1 strongly opposed the application on the ground that there is no substance in the review as this court as well as the learned trial Judge has clearly observed as to how there is no evidence about construction of the house by respondent No.1 affecting the DP Road. He also placed reliance on the judgment of the Hon'ble Apex Court in the case of Sanjay Kumar Agrawal vs State Tax Officer and another reported in (2024) 2 SCC 362, wherein the scope of review is discussed. He pointed out that in para-5 of the judgment in Second Appeal No. 90 of 2021 this court has made certain observation wherein it has come on record that though there was private agreement between the respondents, but the house of respondent No.1 was in fact built after leaving the space on which DP Road was in existence. As such, he prayed for dismissal of the civil application alongwith review petition.

4. Heard rival submissions. Also perused the documents on record alongwith the impugned judgment for which review is sought.

5. It is significant to note that the applicant/petitioner is seeking review of the judgment in Second Appeal No. 90 of 2021 on the basis that the sanction order in respect

of development plan was not placed on record. However, the dispute appears to be of seeking injunction not to construct on the sanctioned DP Road. Further, it is clearly evident from the record that under the private agreement, the respondent No.1 had in fact constructed his house by leaving the portion admeasuring 10 x 40 sq.ft. which was the part of DP Road. Moreover, there is also evidence on record of PW-3, who was In-charge Assistant Director of the Town Planning Parbhani, mentioning that the DP Road shown in the plan of 1982 was not affecting House No.111 of respondent No.1. Under such circumstances, the review of the judgment on the ground that sanction of the said development plan was not placed on record, is not at all necessary. In view of the same and on merit also, there is no substance in the review petition, and therefore, no question arises for condonation of delay only for that purpose. Accordingly, the civil application and the review petition stand dismissed.

(SANDIPKUMAR C. MORE)
JUDGE