

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 185 OF 2026

1. RANGNATH DATTU KUMBHAR
2. SIDDHALING DATTU KUMBHAR
3. SHANTILING RANGNATH KUMBHAR
4. GAUTAM RANGNATH KUMBHAR
5. RAMESH SIDDHALING KUMBHAR
6. SANTOSH SIDDHALING KUMBHAR
7. VINOD SIDDHALING KUMBHAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Tambe Rahul A.

APP for Respondents: Mr. S.P Sonpawale

Advocate for Respondent Nos.8 and 9 : Mr. Talhar Ajay G.

...

**CORAM : SANDIPKUMAR C. MORE &
ABASAHEB D. SHINDE, JJ.**

DATE : 06.04.2026

PER COURT (ABASAHEB D. SHINDE, J.) :

1. Heard learned counsel for the petitioners, learned counsel for the State authorities and learned counsel for respondent Nos.8 and 9.

2. This petition has been filed in a peculiar circumstance under Section 403 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking recall of the order dated 23.01.2026 passed by this Court in Criminal Writ

Petition No.115/2026. The order which is sought to be recalled in this Writ Petition reads thus :

- “1. It is reported by the learned A.P.P. that on earlier two occasions police protection was given for measurement to be conducted by Dy. Superintendent of Land Records/T.I.L.R., however, there was obstruction made by certain persons, and therefore, the measurement could not be carried out. Learned A.P.P. submits that if any particular date is decided for the measurement, he would instruct the concerned police station to provide sufficient police protection for such measurement.
2. In view of above, the concerned Yermala Police Station, Taluka Kalamb, District Dharashiv is directed to provide sufficient police protection for carrying out such measurement on 09.02.2026 or 10.02.2026.
3. With these direction, the petition stands disposed of.”

3. The learned counsel for the petitioners contends that the order which is sought to be recalled has been obtained by suppressing the material facts as well as playing fraud on this Court. However, we are inclined to recall the said order on the ground that the present petitioners were party respondents in the said writ petition, and the order sought to be recalled has been passed without hearing them. We, therefore, need not dilate on other aspects of the matter since we are recalling the order dated 23.01.2026 passed in Writ Petition No.115/2026.

4. Without going into the detailed discussion of the proceedings, suffice it to say that this Court has passed the said

order after recording the statement of the learned APP and not on the basis of the submissions advanced by the petitioners therein.

5. Learned APP and learned counsel appearing for respondent Nos.8 and 9, are *ad idem* that the order sought to be recalled has been passed without hearing the petitioners herein and, therefore, concede that the earlier order be recalled.

6. We, therefore, are inclined to allow this writ petition in terms of prayer clause 'B' which reads thus :

“B. By issuing appropriate writ, order or directions the order dated 23.01.2026 passed by this Hon'ble Court in Criminal Writ Petition No.115 of 2026 may kindly be recalled.”

WRIT PETITION NO.115 OF 2026 :

7. In the light of order passed herein above, the Writ Petition No.115/2026 stands restored to its original position. In peculiar facts and circumstances, we issue notice in Criminal Writ Petition No.115/2026 to the respondents, returnable on 20.04.2026. Learned AGP waives notice for respondent Nos.1 to 6 and 14. Learned advocate Mr. Tambe waives notice for respondent Nos.7 to 13 (Petitioners in Writ Petition No.185/2026).

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)