

ITEM NO.17

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11892/2019

(Arising out of impugned final judgment and order dated 07-12-2018 in WP No. 1656/2003 passed by the High Court Of Judicature At Bombay At Aurangabad)

SHAMLAL

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.61626/2019-CONDONATION OF DELAY IN FILING and IA No.61627/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61628/2019-EXEMPTION FROM FILING O.T.)

Date : 22-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Applications for exemption from filing certified copy of the impugned order and from filing official translation are allowed.

The specific grievance of the petitioner before us is that the High Court has not dealt with the point raised by the petitioner that once the order of the Collector dated 06.03.1986 had become

final and has been acted upon by all concerned, that order cannot be circumvented in the garb of regularization order dated 20.12.1997 by the same authority, namely, the Collector.

We note from the impugned judgment that this specific grievance has not been clearly answered by the High Court which may have some bearing on the validity of the subsequent order passed by the Collector.

The petitioner is free to approach the High Court by way of review petition.

In addition to this the petitioner will be free to raise any other contention available including encroachment by way of review petition.

All contentions be considered by the High Court on its own merits in accordance with law.

As prayed, liberty is granted to the petitioner to come back again to this Court to challenge the main order as also the order to be passed in review, if required.

The Special Leave Petition is accordingly disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

