

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

WRIT PETITION NO. 8919 OF 2015

Smt. Arifa Husain Beg,
Age: 67 years, Occ: Household,
R/o. Karjat, Tq. Karjat,
Dist. Ahmednagar
Through Power of Attorney
Smt. Asma Husain Beg,
Age: 28 years, Occ: Household,
R/o. Karjat, Tq. Karjat,
Dist. Ahmednagar.

...Petitioner

versus

The State of Maharashtra,
through the Secretary
Revenue Department,
Mantralaya, Mumbai-32 & ors

...Respondents

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Mr. Niteen V. Gaware, Advocate h/f Mr. G.K. Sontakke, Advocate for
petitioner

Mr. R.V. Dasalkar, A.G.P. for respondent Nos. 1 to 5

Mrs. M.A. Kulkarni, Advocate for respondent No. 6

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CORAM : N.W. SAMBRE, J.

DATE : 23rd NOVEMBER, 2015

ORAL ORDER :

The petitioner-respondent to appeal before State Government suffered an order of condonation of delay and grant of ad-interim stay by order dated 28/04/2015, which is impugned in the present petition.

2. Admittedly, before condoning delay, the petitioner was neither served nor any opportunity to that effect was given. Without hearing the petitioner, order condoning the delay is not sustainable. As such, the order dated 28/04/2015 to that effect is hereby quashed and set aside. The State Government is directed to decide the application for condonation of delay afresh after giving notice to the petitioner about the same and also if intend to deal with the prayer of grant of interim relief, may to do so after hearing the petitioner.

3. The writ petition stands disposed of in above terms.

[N.W. SAMBRE, J.]