

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2193 OF 2014

Chandrakant A. Ramwani and anr. .. Petitioners
vs.
Hareshwar Alias Harishchandra V. Fule and ors. .. Respondents

Mr. S.G. Karandikar for the Petitioners.
Mr. Garge A.A. for Respondent No.1.
Ms Vaishali Nimbalkar, AGP for Respondent Nos.2 to 5.

CORAM : M. S. SONAK, J.
DATE : 19 NOVEMBER 2015.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] By the impugned order, the Deputy Director of Land Records-Respondent No.4 has purported to condone the delay of over one year by making an endorsement in the Roznama that such delay is condoned. Neither in the Roznama nor by means of any separate order or any reasons whatsoever indicated for condonation of such delay. It is settled position in law that quasi judicial authorities are required to record reasons of their decisions howsoever in brief such reasons may be. On this short ground, the impugned order is required to be set aside and is hereby set aside.

3] Although against such impugned order remedy of revision is available, considering the peculiar facts and circumstances of the present case, it is not necessary to require the Petitioners to avail such alternate remedy. Accordingly, the matter is remanded to Respondent No.4 with directions to once again decide the

application for condonation of delay. Respondent No.4 to afford opportunity of hearing to both the parties and thereafter decide the application for condonation of delay, in accordance with law and on its own merits. Further Respondent No.4 is directed to decide the application for condonation of delay, as expeditiously as possible and in any case within a period of two months from today.

4] This Court has not adverted to the merits of the matter and therefore, Respondent No.4 need not be influenced by the circumstance that the impugned order has been set aside. In fact, all contentions of all parties are kept open. Respondent No.4 shall, however, be duty bound to record his reasons in support of his conclusion, which he may ultimately draw.

5] Rule is made absolute to the aforesaid extent.

6] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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