

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

WRIT PETITION NO. 6942 OF 2014

Santram Bandu Navpute

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Siddharth R. Deshpande, Advocate for the Petitioner.

Shri P. S. Patil, A.G.P. for Respondent Nos. 1 to 4.

Shri Nikhil S. Tekale, Advocate h/f Shri Amol Gandhi, Advocate for Respondent Nos. 5 and 6.

CORAM : S. V. GANGAPURWALA, J.

DATE : 22ND MARCH, 2016.

PER COURT :

. The present petition is filed challenging the order passed by the revisional authority thereby dismissing the revision and confirming the order passed by the Additional Collector, Aurangabad condoning the delay cause in filing appeal.

2. The proceedings are with regard to the mutation entries. There is delay of two years eleven months in challenging the mutation entries. The Sub Divisional Officer initially rejected the application for condonation of delay. In an appeal before the Additional Collector the same was allowed. The same was challenged by the present petitioner in the revision. The revision

is dismissed.

3. The learned counsel for the petitioner submits that, there is absolutely no reason mentioned for condonation of delay. The mutation entry No. 746 was sanctioned after recording the statement of the present respondent Nos. 5 and 6. The proceedings make it abundantly clear that, after recording the statement, the mutation entry was sanctioned and the same is challenged after two years and eleven months. When the respondent Nos. 5 and 6 were party to the said mutation entry and the proceedings effectuating mutation entry the respondents cannot say that, they were not aware of the same. The day today delay is not explained.

4. The learned counsel for the respondent Nos. 5 and 6 supports the order.

5. It is trite that, when cause of substantial justice and technical considerations are pitted against each other, cause for substantial justice has to be sub served. The Additional Collector, so also revisional authorities have exercised the discretion in condoning the delay. The observations have been made about reasons given by present respondent Nos. 5 and 6 in challenging the said mutation entries. The respondent No. 5 has stated that fraud was played upon them while obtaining

signature. Of course, I am not going into merits of the contention. It is for the authorities to consider the same while deciding the proceedings. As discretion has been exercised in plausible manner in condoning the delay, I am not inclined to entertain the writ petition. The writ petition as such is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/March 16