

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11323 OF 2016

Kantaram Bhiva Hargude ... Petitioner
Vs.
Smt. Rukhminibai Shrikrushna Joshi & Ors. ... Respondents

Mr. Tejas D. Deshmukh i/b. Mr. Samrat K. Shinde, Advocate for the petitioner.

Mr. Drupad S. Patil, Advocate for respondent no. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **OCTOBER 25, 2016**

P.C.:

Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.
3. In this Writ Petition, the order/noting dated 27th April, 2016 passed by the learned Minister for Revenue and Forest Department, Government of Maharashtra in R.T.S. No. 3416/1807/P.K 23/J-5 is challenged.
4. The only ground of challenge to the noting is that 27th April, 2016 was the first date fixed for appearance of the petitioners in the Appeal, who are the respondents in this petition. On 27th April, 2016, the petitioners appeared and received the copy of the petition and thereafter the learned Minister for Revenue directed the petitioners to give reply within two weeks. He also directed the petitioners to file written submissions and on the same day, he closed the matter for order.

5. The learned counsel for the petitioner has submitted that the petitioner has moved one application for condonation of delay. There is a delay of 33 years, however, without deciding the said application for condonation of delay of 33 years, the learned Minister directly closed the matter for order.

6. Heard the learned counsel for the respondents, who have no objection if at all the matter is sent back for deciding the application for condonation of delay. He submitted that though the matter is closed for order, till today no order is passed by the learned Minister.

7. Perused the order. There is no dispute on the point that without deciding the application for condonation of delay, on the first day the matter was closed for order. There is irregularity in the procedure, hence it is directed to the learned Minister to decide the application for condonation of delay and then to proceed on merit. Parties to appear before the learned Minister for Revenue on 18th November, 2016.

8. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)