

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 465 OF 2016

Shri Amruta Baburao Mane	... Petitioner.
Versus	
The State of Maharashtra & Ors.	... Respondents.

None for the Petitioner.

Mr.Sidharth R. Kapre for Respondent Nos.2 to 11.

Mr.A.R.Metkari, AGP for Respondent Nos.1, 12 and 13.

CORAM : K.K. TATED, J.

DATE : 28TH SEPTEMBER, 2016.

P.C. :

1] None for the petitioner. Mr.Metkari, AGP for respondent nos.1, 12 & 13 and Mr.Kapre for respondent nos.2 to 11.

2] Learned counsel Mr.Kapre for the respondents filed an affidavit dated 18th February, 2016 and have also placed on record the photocopy of *Panchanama* dated 9th February, 2016. Same is taken on record and marked as “X” for identification. Learned counsel for the respondent nos.2 to 11 submits that in view of subsequent development nothing survive in the present petition.

3] Learned counsel for the respondent nos.2 to 11 submits that by this petition under Article 227 of the Constitution of India, petitioner is challenging the order dated 30th September, 2015 passed by the Additional Collector, Satara in RTS/Second Revision Application No.58 of 2015 rejecting petitioners application for condonation of 4 Years, 9 Months and 16 Days delay.

4] Learned counsel for the respondent nos.2 to 11 submits that in the present proceedings respondents filed application under Section 5 of Mamlatdar Courts Act, 1906 before the learned Tahsildar, Satara being Rasta/SR/4/2009. He submits that their application was allowed by the learned Tahsildar by order dated 19th November, 2010. He submits that being aggrieved by the said order the petitioner preferred Regular Civil Suit No.139 of 2011 before the 10th Joint Civil Judge Junior Division, Satara. In that Regular Civil Suit No.139 of 2011 the petitioner preferred application Exh.5 for grant of temporary injunction, that application was rejected by Joint Civil Judge Junior Division Satara. Being aggrieved by the said order the petitioner preferred Miscellaneous Civil Appeal No.39 of 2014 before the

learned District Judge, Satara. That appeal was also dismissed on 1st January, 2015. Thereafter the petitioner preferred the appeal as per provisions of Mamlatdar Courts Act, 1906 under Section 23(2) before the Additional Collector. There was delay of 4 Years, 9 Months and 16 Days. That application for condonation of delay was rejected by the Additional Collector, Satara. He submits that Revenue Authority implemented the order passed by the Tahsildar on 19th November, 2010 and constructed the road. In support of that Advocate for respondent nos.2 to 11 placed on record a photocopy *Panchanama* dated 9th February, 2016. On the basis of this submission the learned counsel for respondent nos.2 to 11 submits that nothing survive in the present petition and same is infructuous in view of the subsequent development.

5] Considering the submissions made by the learned counsel for respondent nos.2 to 11 and as no one appeared on behalf of the petitioner, the petition stands dismissed for default.

(K.K. TATED, J.)