

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10744 OF 2017

Yuvraj Jitendra Patil & Anr.	..	Petitioners
vs.		
The State of Maharashtra & Ors.	..	Respondents

Mr. Atul Damle – Senior Advocate i/b. Mr. Hemant Ghadigaonkar
for Petitioners.
Mr. S. H. Kankal – AGP for State.

CORAM : M. S. SONAK, J.
DATE: 25 SEPTEMBER 2017

P.C :

- 1] Not on board. In view of urgency, taken on production board.
- 2] Heard Mr. Damle, learned Senior Advocate for the petitioners.
- 3] The challenge in this petition is to the order dated 5th July 2017, by which the revisional authority has condoned the delay for institution of the revision application.
- 4] Mr. Damle submits that the impugned order has been made in breach of principles of natural justice. He further submits that the applicant had no *locus standi* to file the revision and the delay has been condoned without adverting to the issue of *locus standi*. He submits that even otherwise, the delay in this case, was substantial i.e. more than two years and no sufficient cause was shown to

condone the delay.

5] In this case, there is no necessity to entertain the present petition at this stage. Although, the petitioners, received notice from the revisional authority some time in January 2017, it does not appear that the petitioners filed their response to oppose condonation of delay. That apart, the revision is yet to be disposed of. This Court, whilst permitting the petitioners in writ petition no. 10404 of 2016 to avail alternate remedy, made it clear that all contentions of all the parties are kept open including the issue of *locus standi* of the said petitioners. In terms thereof, revisional authority, will be bound to consider the issue of *locus standi* of the revision petitioners before it.

6] However, there is no necessity to consider all these issues in piecemeal. The revisional authority to dispose of the revision application by adjudicating on all issues, including the issue of *locus standi*. If ultimately, the revisional authority, decides against the petitioners herein, and the petitioners herein, choose to challenge such final decision of the revisional authority, the petitioners will also have liberty to challenge the impugned order dated 5th July 2017, by which, the delay has been condoned. In such a situation, the petitioners are expressly reserved the liberty to raise all contentions which they have now raised in this petition. This will afford sufficient

protection to the petitioners.

7] All contentions of all parties are left open to be determined by the revisional authority.

8] With liberty as aforesaid, this petition is not entertained. There shall be no order as to costs.

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

(M. S. SONAK, J.)

Chandka