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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2241 OF 2015

Sudarshan Co-op. Hsg. Soc. Ltd. & Anr.	...Petitioners
V/s.	
Ramechandra B. Suravase & Ors.	...Respondents

WITH
WRIT PETITION NO.4417 OF 2015

Sudarshan Co-op. Hsg. Soc. Ltd. & Anr.	...Petitioners
V/s.	
Gurubasu S. Birajdar & Ors.	...Respondents

Mr.Vijay Killedar for the Petitioners.
Mr.P.S. Dani, Senior Counsel i/b Mr.Rupesh Bobade for the
Respondent No.1.
Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.2 and 3.

CORAM : R.D. DHANUKA, J.
DATE : 25TH JUNE, 2018.

P.C. :-

1. On 5th June, 2018, this Court had adjourned the matter to enable the learned A.G.P. to produce the original record and proceedings of the Revision application bearing RTS No.2711/PK/281/J-4. Mr.Dani, learned senior counsel appearing for the respondent no.1 also made a statement that he would take instructions from his client as to whether any application for condonation of delay was filed along with the revision application

before the learned Minister or not and would make the statement before this Court on the next date.

2. Mr.Dani, leaned senior counsel for the respondent no.1 on instructions states that no application for condonation of delay was filed by his client along with the revision application before the learned Minister. The statement is accepted.

3. It is thus clear that the learned Minister has allowed the revision application filed by the respondent no.1 without there being any application of condonation of delay on record. The impugned order dated 1st June, 2014 passed by the learned Minister, Revenue & Forest Department, State of Maharashtra in Revision application bearing RTS No.2711/PK/281/J-4 is accordingly set aside. The said revision application is restored to filed before the learned Minister, Revenue & Forest Department, State of Maharashtra. The respondent no.1 would be at liberty to file the application for delay condonation in the said revision application within two weeks from today and a copy thereof shall be served upon the petitioners and other contesting respondents, if any, simultaneously.

4. Learned Minister shall consider the said application for condonation of delay first after hearing both the parties and after giving an opportunity to the petitioners to file an affidavit in reply on the said application for condonation of delay.

5. It is made clear that this Court has not expressed any views on the merits of the matter and also the issue as to whether the petitioners have justified the alleged delay in filing the revision application. All the contentions of both the parties on merits, including the issue of maintainability of such revision application and also on the issue whether delay can be condoned are kept open.

6. If the delay is condoned by the learned Minister, the learned Minister shall hear the parties on merits and shall pass a fresh order in accordance with law without being influenced by the observations made and the conclusion drawn in the impugned order dated 1st June, 2014 expeditiously.

7. In view of the disposal of the writ petition with the directions as aforesaid, ad-interim relief granted by this Court to stand vacated. It is however, made clear that the interim relief, if any, which was in force in the revision application filed by the respondent no.1 before the learned Minister, the same shall be continued until the disposal of the application for condonation of delay and for a period of two weeks thereafter from the date of communication of that order to the respondent no.1.

8. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)