

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10967 OF 2017****Santosh Madhusudan Potdar****..... Petitioner****VERSUS****Girish Suresh Shinde (deceased)****Through L.R. & Ors.****..... Respondents**

Mr.Shashank Mangale, i/b. Mr.Harshad Sathe for the Petitioner.

Mr.Vinod Joshi a/w. Ms.Lata Patne for the Respondent nos. 1 to 3.

CORAM : R.D. DHANUKA, J.**DATE : 5th MARCH, 2018****P.C.**

It is not in dispute that prior to 10th January 2018 i.e. on 9th January 2018, learned Sub-Divisional Officer has already passed an order which is annexed at page 103 of the writ petition and is brought on record in view of the liberty granted by this court to carry out amendment. It is not in dispute that the petitioner has already impugned the said order dated 9th January,2018 passed by the Sub-Divisional Officer before the learned Collector and the said appeal is pending before the learned collector. Nothing survives in this writ petition. It is however made clear that if the petitioner is aggrieved by the order passed by the learned collector, the petitioner would be at liberty to challenge all the said orders which are subject matter of this writ petition along with the order of the collector in that writ petition.

2. The petitioner is at liberty to challenge the order passed by the Sub-Divisional Officer allowing the application for condonation of delay filed by the respondent nos. 1 to 3 by filing an appeal before the collector.

3. Writ petition is dismissed as infructuous with liberty as prayed. No order as to costs.

[R.D. DHANUKA, J.]