

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8425 OF 2013

Ramrao Pandu Shinde **Petitioner**

VERSUS

Ramchandra Dnyanu Shinde & Anr. **Respondents**

Mr.R.A.Naik, i/b. Mr.Umesh Mankapure for the Petitioner.

Mr.P.B.Gujjar for the Respondent no.1.

Mr.S.H.Kankal, A.G.P. for the State – Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 8th AUGUST, 2018

P.C.

Learned counsel for the respondent no.1 states that the learned authority has not allowed the application for condonation of delay but has decided the issue as to whether the appeal filed by the respondent no.1 is maintainable or not. He submits that he has no objection if the authority is directed to decide the issue of delay first. Statement is accepted. Since the issue of delay is not considered first by the learned Deputy Director, Land Record, the impugned order of maintainability of delay is set aside.

2. The learned Deputy Director shall decide the issue as to whether any case is made out for condonation of delay or not. If he comes to the conclusion that the delay has been sufficiently explained, then he shall decide the issue of maintainability and on merit.

3. Writ petition is disposed of in the aforesaid terms. No order as to costs.
4. The authority shall decide the proceedings expeditiously and not later than three months from the date of the first hearing.
5. The parties are directed to appear before the learned Deputy Director of Lands Record on 20th August, 2018 at 03.00 p.m.
6. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]