

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6142 OF 2018
(Basaram Chhagan Gavit Vs. Taklya Dhedya Gavit, through LR's and others)

Mr.S.A.Ambilwade, learned Advocate for the petitioner.
Mr.S.V.Bhosale, learned Advocate for respondent Nos. 1 and 2.
Mr.S.R.Yadav, AGP for respondent No.3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/02/2019

PER COURT :

1. I have considered the submissions of the learned Advocates for the respective sides and the learned AGP.

2. Considering the order that I intend to pass, I do not find it appropriate to deal with all the contentions of the litigating sides.

3. The petitioner's proceeding RTS Revision No.388/2013 u/s 257 of the M.L.R.Code, was dismissed in default by order dated 08/01/2015. He filed an application for restoration alongwith a prayer for condonation of delay on 02/02/2017. By the impugned order dated 14/09/2017, the Office of the Divisional Commissioner, Nasik passed an order that the said authority is not convinced with the reasons cited for seeking condonation of delay.

4. I find that the concerned authority has failed to assign reasons while passing the impugned order. It is expected of judicial, quasi judicial as well as revenue authorities that it should pass reasoned orders. An unreasoned order cannot be presumed to be based on impressions of the authority passing the said order.

5. In view of the above, this petition is partly allowed. The order dated 14/09/2017 is quashed and set aside.

6. The application for condonation of delay, which is registered as RTS Application No.115/2017 is restored to the file of added respondent No.3. The litigating sides shall appear before respondent No.3 on 15/03/2019 at 11.00 a.m. All contentions of the litigating sides are kept open. It is expected that respondent No.3 would pass a reasoned order after considering the contentions of the litigating sides and the provisions of Law cited by them.

(Ravindra V.Ghuge, J.)