

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4494 OF 2018

MADAN MAROTI DOLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners :
Mr. Kale Ajeet B.
AGP for Respondents No. 1 to 5 :
Mr. S. G. Karlekar
Advocate for Respondents No. 6 & 7 :
Mr. Shrimant Mundhe

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 11th FEBRUARY, 2019

PER COURT :

1. The present writ petition is filed seeking directions against respondent no. 4 to decide the delay condonation application filed by respondent no. 6 before passing any orders in the matter.

2. The present respondent no. 6 has filed proceedings under Section 32 (1) of the Prevention of Fragmentation and Consolidation of Holdings

Act, 1947 (hereinafter referred to 'Act-1947').

Along with the proceedings respondent no. 6 also filed an application for condonation of delay.

3. It is the grievance of the petitioner that without considering the application for condonation of delay, the respondent is proceeding further to decide the proceedings under Section 32 (1) of the Act-1947.

4. It is submitted that the measurement has also been carried out.

5. Be that as it may, the respondents are required to consider the application for condonation of delay and in tune with the order that would be passed on an application for condonation of delay the respondent / authority has to consider the proceedings under Section 32 (1) of the Act-1947.

6. In the light of above, we pass following order.

ORDER

I] The respondent / authority shall first decide the application for condonation of delay filed by respondent no. 6 for submitting proceedings under Section 32 (1) of the Act-1947.

II] Depending upon the order that would be passed by the respondent / authority on an application for condonation of delay filed by respondent no. 6, the respondent / authority may take further steps.

7. Writ Petition accordingly stands disposed of.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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