

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

922 WRIT PETITION NO.9490 OF 2018

GANGADHAR CHAMPATI DHONE AND OTHERS
VERSUS
PAFULA JAYRAM ALIAS BABURAO KANDALKAR AND OTHERS

...
Advocate for Petitioners : Mr. R. T. Nagargoje
AGP for Respondent -State: Mr. A. B. Chate
Advocate for Respondent No.1 & 2 : Mr. S. G. Rudrawar

CORAM : M. S. KARNIK, J.

DATE : 22nd AUGUST 2019

PER COURT

Heard learned counsel for the petitioners. The challenge in this petition is to an order dated 26.04.2017 passed by the Hon'ble Minister of State (Revenue) allowing the revision of the respondents.

2. Learned counsel for the petitioners submits that the Hon'ble Minister has allowed the appeal though there is delay of 11 years in challenging the order dated 15.09.2005 passed by the DSLR. He submits that no application for condonation of delay was filed though the delay was of almost 11 years. The Hon'ble Minister has allowed the appeal on the ground that order dated 15.09.2005

was passed after a gross delay to which there was no explanation offered by the respondents.

3. Learned counsel for the respondents submitted that before the Hon'ble Minister the petitioners never objected to the Hon'ble Minister entertaining the appeal on the ground of delay.

4. In my opinion, the respondents should have filed an appropriate application explaining the delay in challenging the order dated 15.09.2005. At least in the appeal memo they should have made out a case as to why they have filed appeal before the Hon'ble Minister after almost 11 years.

5. In this view of the matter, the impugned order deserves to be set aside more so when the Hon'ble Minister himself has set aside the order dated 15.09.2005 on the ground that the respondents have not explained the delay in approaching District Superintendent of Land Records.

6. Impugned order is set aside.
7. The matter is remitted back to the Hon'ble Minister for deciding the same afresh on its own merits and in accordance with law. The parties to appear before the Hon'ble Minister on 23rd September, 2019 at 3.00 p.m.
8. Learned counsel for the respondents submits that they would file an appropriate application for condonation of delay.
9. The petitioners may file reply to application for condonation of delay. After hearing the parties, the Hon'ble Minister is requested to pass a fresh order in accordance with law preferably within a period of three months from 23rd September, 2019.
10. Writ Petition is allowed in the above terms and disposed of accordingly.

(M. S. KARNIK, J.)