

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10298 OF 2019

BHIKAJI RAMCHANDRA DIWTE THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Hon Ashwin V.
AGP for Respondents 1 to 3 : Shri Bhagat N.T.
Advocate for Respondents 4 : Shri Khedkar Prashant
Advocate for Respondents 5 to 7 : Shri Nimbalkar A.A.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: October 04, 2019

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PER COURT :-

1. Though this matter is shown in the await category, service is complete and hence, this matter is taken up for hearing by the consent of the parties.

2. On 20.8.2019, this Court had passed the following order:-

"1. Learned Advocate causes an appearance, on caveat, on behalf of respondents 5 and 6 / L.Rs.

2. The grievance of the petitioners is that vide the impugned order dated 3.6.2019, the Honourable Minister has set aside the order of the Deputy Director of Land Records dated 25.4.2019, without even considering that the respondents had approached his office after a delay of 8 years and without filing an

application for condonation of delay.

3. Issue notice to the respondents, returnable on 4.10.2019.

4. The learned AGP waives service for respondent Nos.1 to 4 and learned Advocate waives service for respondent Nos. 5 to 7.

5. Until the returnable date in this matter, the impugned order shall not be implemented and no steps would be taken in pursuance thereof.

6. Copies of the petition paper book shall be furnished for issuance of notice on/or before 28.8.2019, failing which the ad-interim protection shall stand vacated without reference to the Court on 29.8.2019.

7. Parties to act upon the printed copy of this order obtained from the official website of this Court.”

3. The learned Advocate for the appellants before the Honourable Minister / respondents 5 to 7 herein, concedes that there is a delay of eight years and an application for condonation of delay was not filed. He submits that he would file a fresh revision application along with an application for condonation of delay.

4. In view of the above, this petition is partly allowed. The impugned order dated 3.6.2019, passed by the Honourable Minister is quashed and set aside. The pending proceedings are disposed off, in

view of the liberty to respondent Nos.5 to 7 to file a fresh revision application along with an application for condonation of delay.

5. All contentions of the litigating sides are kept open. So also, the time spent by the litigating sides in this Court from 5.8.2019 till the passing of this order shall be a ground for seeking condonation of delay.

(RAVINDRA V. GHUGE, J.)

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