

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO. 2621 OF 2018**  
**IN**  
**WRIT PETITION NO.4930 OF 1997**

Mahalung Grampanchyat and anr.

.....Applicants/  
Original Petitioners

versus

The State of Maharashtra and ors.

.....Respondents

Mr. Rajaram V. Bansode, advocate for the applicants/original petitioners.  
Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &**  
**SMT. BHARATI H. DANGRE, JJ.**

**DATE : 7<sup>th</sup> JANUARY, 2019.**

**P. C. :**

The civil application is filed for restoration of the above writ petition. The said writ petition was placed for orders before the learned Single Judge of this Court on 24<sup>th</sup> May, 2017. After going through the petition, the learned Single Judge passed the following order :

“ *Heard Ms. Kulkarni, learned A.G.P. for State.*

2. *By this Petition under Article 227 of the Constitution of India, Petitioners have prayed for Writ of Mandamus and/or any other appropriate Writ or direction, thereby quashing and setting aside Notification dated 2<sup>nd</sup> June, 1997 issued by respondent No.2-Collector of Solapur under Section 4 of the Maharashtra Land Revenue Code, 1966, constituting Village called Shirpur in Malshiras Tahsil.*

3. *In view of Rule 18 of Chapter XVII read with explanation, Office to verify whether Petition pertains to the Division Bench or to the Single Judge. In case, Office holds that the Petition pertains to the Division Bench, it will call upon the Petitioners to supply the second set and place it before the appropriate Court for final hearing."*

2. The petition thereafter was placed before another learned Single Judge of this Court on 22<sup>nd</sup> September, 2017. On that day, none appeared on behalf of the petitioners and after hearing learned AGP, following order was passed :

*" The Registry's endorsement states that the Advocate for the petitioner has not filed second set till date. As a result, the matter cannot be placed before the Division Bench.*

*2] In case, this objection is not cleared by the petitioner within two weeks from today, this petition to stand dismissed for non-prosecution without any further reference to the Court."*

3. Mr. Bansode, learned counsel for the applicants, submitted that there was no communication between the earlier advocate and the applicants and, therefore, the objections could not be removed. He submitted that even the order dated 22<sup>nd</sup> September, 2017, was not communicated to the applicants. Mr. Bansode undertakes to remove the office objections within a period of two weeks from today. The statement is accepted.

4. In the light of the above and in the interest of justice, the civil application is allowed in terms of prayer clauses (a) and (b). The petition is, accordingly, restored to its original file after condoning the delay that has occurred in filing the civil application.

5. The civil application stands disposed of.

**[SMT. BHARATI H. DANGRE, J.]**

**[RANJIT MORE, J.]**