

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3219 OF 2021**

Suresh Waman Patwardhan and ors. .. Petitioners
VS.

The Collector, Thane and ors. .. Respondents

Mr. Kishor Patil I/b. Mr. Pratik B. Rahade for the Petitioners.
Smt. V.S. Nimbalkar, AGP for the State-Respondent.

CORAM : M.S.KARNIK, J.

DATE : JULY 23, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. What is under challenge is an order passed condoning the delay in filing the Appeal before the Hon'ble Minister. It is the contention of Mr. Kishor Patil, learned counsel for the Petitioners that the Petitioners were not heard before passing the impugned order condoning the delay of almost three years in filing the Appeal.

3. Learned AGP on the other hand pointed out that the impugned order clearly makes a note that due notice of the hearing of the condonation of delay application was given to the Petitioners and they did not choose to remain present. Mr. Kishor Patil, learned counsel disputes this position.

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4. Be that as it may, it is now pointed out that even so far as the main Appeal is concerned, though the matter is closed for orders, the same is done without hearing the Petitioners.

5. By an order dated 13.01.2021 this Court had requested the Hon'ble Minister to decide the Appeal on its own merits preferably within a period of four months.

6. In this view of the matter, I do not propose to interfere with the impugned order at this juncture, leaving the liberty of the Petitioners open to challenge the impugned order along with the final order passed in Appeal, in case the same is adverse to the Petitioners. Considering the nature of the controversy, and as already recorded in the order dated 13.01.2021 passed by this Court, as the interim protection granted by this Court on 11.01.2021 is continued till the disposal of the Appeal, in the interest of justice, it is made clear that in the event the order passed by the Hon'ble Minister is adverse to the Petitioners, then the interim protection granted on 11.01.2021 by this Court shall continue for a period of two weeks from the date of communication of the order passed by the Hon'ble Minister.

7. Keeping all contentions open including the liberty to the Petitioners to challenge the order impugned in this Petition after the final order in Appeal is passed in case the same is adverse to the Petitioners, the present Petition is disposed of.

(M.S.KARNIK, J.)