

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4081 OF 2021

Prakash Balkrushna Karve and ors. .. Petitioners
VS.
District Superintendent of Land Records
and ors. .. Respondents

Mr. Chaitanya Nikte a/w Sneha Bhange for the Petitioners.
Mr. P.V. Nelson Rajan, AGP for the State-Respondent Nos.1, 2 and
31.
Mr. Gaurav Potnis I/b. Pallavi Potnis for Respondent No.3.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 31, 2021

P.C.

Heard learned counsel for the parties.

2. Learned counsel for the Petitioners submits that the challenge to the impugned order is on two grounds. First is condoning the delay and the second is the Petitioners are not heard on merits by the District Superintendent of Land Records (DSLRL).

3. Learned counsel for the Petitioners on instructions submits that he will give up the prayer challenging the order condoning the delay. However, as the Petitioners were not heard on merits, he submits that an opportunity may be given to them by the DSLRL.

4. Learned counsel for the Respondent No.3 after some opposition submits to the orders of this Court for a rehearing on merits. The records indicate that the Petitioners did not get an opportunity to contest the matter on merits before the DSLR. Accordingly, the impugned order is partly set aside. The Petition is partly allowed. The order condoning the delay is confirmed. The DSLR to decide the Appeal on its own merits without being influenced by any observations made in the order condoning the delay and even in this order. The matter is remitted back to the DSLR for hearing the same afresh on its own merits and in accordance with law. The impugned order is set aside to a limited extent. The Appeal to be decided expeditiously. The parties present today to appear before the DSLR on 07.09.2021 at 11.00 a.m.

5. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

Digitally
signed by
PRADNYA
MAKARAND
BHOGALE
Date:
2021.09.01
17:00:26
+0530