

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CIVIL APPLICATION (CAW) NO.1352/2020 IN WRIT PETITION NO.939/2018

Narayan Pandhari Narkhede and ors

..VS..

Divisional Commissioner, Amravati and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri R.L.Khapre, Senior Counsel for Petitioners.
Shri S.O.Ahmed, Counsel for Respondent Nos.2 & 3.
Shri M.P.Khajanchi, Counsel for Respondent No.4.
Mrs.Mrunal Barabde, AGP for respondent Nos.1 & 5.

CORAM : V.M.DESHPANDE J.

DATED : JANUARY 14, 2021.

1. This is an application by respondent Nos.2 and 3 for disposal of the writ petition.
2. Heard learned senior counsel Shri R.L.Khapre for petitioners; learned counsel Shri S.O.Ahmed for respondent Nos.2 and 3; learned counsel Shri M.P.Khajanchi for respondent No.4, and learned Assistant Government Pleader Mrs.Mrunal Barabde for respondent Nos.1 and 5.
3. According to learned counsel Shri S.O.Ahmed for respondent Nos.2 and 3, order of measurement dated 10.8.2018 has attained finality inasmuch as according to him appeal filed by present petitioners before the Deputy Director of Land Records, Amravati is dismissed for want of prosecution on 5.3.2020.
4. This writ petition has to be disposed of because at the time of issuing Rule on 13.8.2019, this Court observed

that since measurements carried out on 31.10.2017 as well as on 10.8.2018 have not yet attained finality, the matter requires consideration.

5. Learned senior counsel Shri R.L.Khapre for petitioners, invites my attention to reply filed on behalf of petitioners to application for disposal of the writ petition in which it is stated on oath that after appeal filed by petitioners before the Deputy Director of Land Records, Amravati was dismissed in default, petitioners have moved an application for restoration and the said application is still pending on the file of the said Authority. The said particular aspect is not at all disputed by learned counsel Shri S.O.Ahmed for respondent Nos.2 and 3 and learned counsel Shri M.P.Khajanchi for respondent No.4.

6. Since the restoration application is yet to be decided by the Authority, it cannot be said that order of measurements have attained its finality.

7. In this view of the matter, this application for final disposal of the writ petition is disposed of however with direction to the Deputy Director of Land Records, Amravati to decide the application for restoration filed on behalf of petitioners in Appeal No.906/2019 along with application for condonation of delay within a period of two months from the date when parties will appear before the said Authority.

8. The parties are directed to appear before the Deputy Director of Land Records, Amravati on 28.1.2021.

With these observations, the civil application stands disposed of.

9. At this stage, learned counsel Shri S.O.Ahmed for respondent Nos.2 and 3, learned counsel Shri M.P.Khajanchi for respondent No.4, and learned Assistant Government Pleader Mrs.Mrunal Barabde for respondent Nos.1 and 5, made a solemn statement before this Court that they have instructions to make a statement before this Court that before the Deputy Director of Land Records, Amravati they have no objection for allowing the application for restoration along with application for condonation of delay filed by present petitioners for restoring appeal No.अ.प्र.क्र. ९०६/मौजे बोराखेडी, ता.मोटाळा मो.र.क्र.३/२०१७/२०१८ pending on the file of the Deputy Director of Land Records, Amravati.

10. In this view of the matter, order dismissing the appeal in default is hereby quashed and set aside and consequently the appeal is restored to the file of the Deputy Director of Land Records, Amravati.

11. The parties are directed to appear before the Deputy Director of Land Records, Amravati on 28.1.2021 and the said Authority is directed to decide and dispose of restored appeal filed by present petitioners within a period of two months from 28.1.2021 in accordance with law

12. The parties to this writ petition are directed not adopt any tactics for lingering the matter.

JUDGE

!! BRW !!

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