

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 5504/2021

Janardhan s/o Gangaram Chouke and anr.

..VS..

The Additional Commissioner, Amravati and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. S. Taram, Advocate for the petitioners
Shri S.A. Ashirgade, AGP for respondent nos. 1 to 3/State

CORAM : AVINASH G. GHAROTE, J.

DATED : 23/12/2021

Shri Taram, learned Counsel for the petitioners.

2. The only contention raised, is that the Mutation Entry was of 14.08.2013, the appeal against which was filed on 17.02.2014 was without any application for condonation of delay. It is, therefore, contended that the learned Sub-Divisional Officer (SDO) could not have entertained the appeal. The order of the learned Additional Collector as well as the learned Divisional Commissioner are also assailed on this ground only.

3. It is material to note that all the Authorities have decided the matter on merits, holding against the petitioners, in which proceedings the petitioners have actively participated, considering which, I do not find any infirmity in the impugned orders, in so far as, this ground

is concerned, the same can be considered that by entertaining the application on merit, delay can be presumed to have been condoned. I, therefore, do not find any merit in the petition on this ground. Accordingly, the writ petition is dismissed. No costs.

JUDGE

SANDIP
MAHADEV
GATE

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