

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2410 OF 2022

PRALHAD PANDURANG SUBHEDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. G.J. Karne
AGP for Respondent-State: Mr. S.N. Kendre
Advocate for Respondent No. 5 : Mr. Madhukar Parghane

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th APRIL, 2022

ORDER :

1. This petition challenges the order passed by the Sub Divisional Officer, Degloor, thereby rejecting the application filed by the petitioner for condonation of delay, in filing the appeal. The said order was challenged before the Additional Collector who has confirmed the said order. The order of Sub Divisional Officer as well as the Additional Collector are confirmed by the Commissioner in revision, by rejecting the revision.

2. The record indicates that Regular Civil Suit No. 61/2007 was filed for partition and separate possession. In the said suit compromise decree was passed, in which 0.11 R land was given to the respondents. On the basis of compromise decree Mutation Entry No. 1607 was certified on 18.04.2013. The said mutation entry is challenged by the petitioner after a delay of 5 years and 6 months. The revenue authorities have held that no sufficient cause is shown by the petitioner for condonation of delay, and therefore, rejected the proceeding filed by the petitioner.

3. Taking into consideration the fact that the mutation entry No. 1607 is effected on the basis of compromise decree in Regular Civil Suit No. 61/2007 to which the petitioner was a party and till date the petitioner has not challenged the said compromise decree, this Court is of the view that the authorities were justified in rejecting the proceeding filed by the petitioner. The authorities have passed reasoned orders and no case is made out by the petitioner to interfere in the concurrent findings of facts recorded by the authorities.

4. The learned advocate for the petitioner in support of his submissions relied on co-ordinate bench decision of this Court in Nandkumar Muralidhar Gandhie Vs. The State of Maharashtra and others (Writ Petition No. 551 of 2021), wherein condonation of delay of more than one and half year was refused and this Court partly allowed the petition and condoned the delay. The said decision is rendered in different facts, and hence, is not helpful to the petitioner.

5. For the aforesaid reasons, no case is made out by the petitioner to exercise the extra ordinary writ jurisdiction. The writ petition being devoid of merits, is dismissed. No cost.

[NITIN B. SURYAWANSHI]
JUDGE