

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8399 OF 2013**

GRAMPANCHAYAT OFFICE, NITRUD AND OTHERS
..PETITIONERS

VERSUS

THE COLLECTOR, BEED AND OTHERS ..RESPONDENTS

...
Mr. Bhagwan S. Kudale, Advocate for the
Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. A. R. Tapse h/f Mr. P. D. Suryawanshi, Advocate
for Respondent No.2.

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CORAM : S. V. GANGAPURWALA, J.
DATED : 14th JANUARY, 2022.

PER COURT:-

1. The present petitioners are original
defendant nos.4 to 6.

2. The respondent nos.3 to 9 filed Regular
Civil Suit No.7/2011 for declaration and
injunction. The present petitioners filed
application for setting aside no written statement
order. The said application came to be rejected.
Aggrieved thereby, the present writ petition.

3. The respondent nos.3 to 9 are served. None
appears for respondent nos.4 to 9, so also none
appears for respondent no.3, though the matter was
called out twice.

4. Since 09.10.2013 the Suit before the Trial
Court is stayed.

5. The petitioners appear to be Grampanchayat and the representatives of the Grampanchayat. The contention was that because some relevant documents were to be collected and that the Gramsevak was transferred, defendants could not file written statement. It also appears that, the plaintiffs had examined two witnesses and thereafter, the application was filed.

6. It appears that, the present petitioner no.1 is local authority and petitioner nos.2 and 3 are officers of the Local Authority.

7. The reasons have been given for the delay being caused.

8. This Court on 09.10.2013 while issuing notice directed petitioners to deposit an amount of Rs.5000/-.

9. Mr. Kudle, learned counsel submits that, the said amount of Rs.5000/- is deposited with the order of this Court on 25.08.2015. The petitioners have shown their bonafides.

10. In light of that, I pass the following order:

ORDER

A. The impugned order is quashed and set aside. The petitioners are permitted to file written statement. The petitioners shall file

written statement within a period of four weeks from today. In case, the petitioners fail to file written statement within a period of four weeks from today, the order granting petitioners leave to file written statement shall stand recalled.

B. If petitioners file written statement as directed above, the matter shall be proceeded ahead. In that event, plaintiffs are entitled to lead fresh evidence also. The plaintiffs are also entitled to withdraw the amount of Rs.5000/- deposited by petitioners.

11. Writ Petition is disposed of. No costs.

(S. V. GANGAPURWALA)
JUDGE