

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

WRIT PETITION NO.3767 OF 2022

Shahanaz Mahammadgaus Zari
@ Shahanaz Taimur Patel (Patil)

..Petitioner

Versus

Shri. Amit Gopalrao Patwardhan

..Respondents

Mr. M. L. Patil, for the Petitioner.

Mr. Rahul R. Patil, for the Respondent Nos. 1 to 3.

Mr. C. D. Mali AGP, for Respondent Nos.4, 9, to 11.

CORAM : NITIN W. SAMBRE, J.

DATE : 20th JULY, 2022

P.C.

1. Impugned in the petition is an order dated 19th January, 2022 passed by Deputy Director of Land Records in CS No.1/Appeal SR No.5423/2021, whereby the prayer for grant of stay in pending Revision Application No.5423 of 2021 came to be questioned.

2. Heard Mr. M. L. Patil, appearing for the Petitioner. The District Superintendent of Land Records, Sangli, respondent herein on 31st May 2021 condoned the delay in the matter of entertaining appeal against the order dated 13th October, 1987 passed by Inquiry Officer i.e. Special Officer of land records.

3. Contentions of Mr. M. L. Patil are, the delay of 32 years is condoned without there being any bonafide or any reasons in support of such condonation.

4. Counsel for the Respondent would support the order impugned, in according to him the report of the Tahsildar dated 5th September, 2019 in categorical terms supports the observations in the order of the authority condoning delay of requirement of measurement.

5. As it is noticed that the delay is condoned by appreciating merits of the matter and not the grounds in support of such condonation of delay. The grounds are at all not substantiated in support of order of condoning the delay of 32 years.

6. In this background, if the order impugned is appreciated, merely because the measurement is necessary, on merits of the matter by itself will not entail the authority to record a finding that delay was rightly condoned.

7. That being so, the order impugned dated 19th January, 2022 is hereby quashed and set aside.

8. It is directed that till the disposal of the Revision Application, there shall be interim relief in favour of the

petitioner as prayed in the application for stay and for a further period of four weeks post the decision of Revision Application.

9. The petition as such stands allowed in above terms.

10. The proceedings be decided without being influenced by the findings recorded hereinabove.

[NITIN W. SAMBRE, J.]