

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

WRIT PETITION NO. 2119 OF 2022

Khalid Asad s/o Liyaqat Ali through duly constituted
Power of Attorney Holder Ali s/o Abdul Hafiz

vs.

State of Maharashtra and others

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

Court's or Judge's Orders.

Mr. A. R. Kalariya, Advocate for petitioner.
Mr. K. L. Dharmadhikari, AGP for respondent Nos.1 to 3
and 5.

CORAM : MANISH PITALE J.

DATE : 17/06/2022

The subject matter of challenge in the present writ petition is order dated 13/08/2021, passed by the respondent No.1 – Additional Collector whereby an application for condonation of delay in filing an appeal was dismissed.

2. This Court issued notice on 29/04/2020 and directed that no third party interest shall be created in the property on the basis of disputed mutation entry, till the returnable date.

3. Today, when the petition is called out for hearing Mr. K.L.Dharmadhikari, learned AGP submits that he has received instructions in writing from the respondent No.1 – Additional Collector, wherein it is

stated that after going through the record and the impugned order, the respondent No.1 is of the opinion that certain facts need to be considered afresh for deciding the application for condonation of delay and that therefore, the impugned order would be withdrawn for considering the application for condonation of delay afresh. The learned AGP further submits that reply in consonance with the said written instructions is ready, but it could not be sworn and filed before this Court.

4. Considering the fact that the respondent No.1 – Additional Collector has given the aforesaid instructions in writing to the learned AGP. This Court is of the opinion that the writ petition can be disposed of.

5. Accordingly, in view of the above, the impugned order dated 13/08/2021, is set aside as withdrawn and the respondent No.1 is granted liberty to consider the application for condonation of delay in filing the appeal by the petitioner, afresh. The interim order dated 29/04/2022, granted by this Court shall continue to operate till the respondent No.1 disposes of the aforesaid application.