

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 WRIT PETITION NO.3686 of 2021
WITH CIVIL APPLICATION NO.11666 of 2023
IN WRIT PETITION NO.3686 OF 2021
PARAS BABULAL SANCHETI
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for the petitioner : Mr.K.J.Suraywanshi
AGP for the respondent-State : Ms.R.P.Gaur
Advocate for the respondent No. 7 : Mr.S.R.Shirsath
Advocate for the intervenor : Mr.A.C.Darandale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

1] The learned counsel for the respondent no.7 submits that respondent no.7 has sold the property to the intervenors and submits that the prayers made in the Writ Petitions are identical and prays that the impugned order be quashed and the matters be remitted back to the authority concerned.

2] The learned counsel for the parties submit that by the order dated 21st April, 2017 in Writ Petition No.277/2016, this Court at para no.5 has directed as under:

5. In the light of the above, the impugned order is quashed and set aside. It will be open for the present respondent No.7 to take up proceedings U/Sec. 32 of the said Act and as

may be permissible in law. In that event the contentions of petitioner about limitation, maintainability, etc. are kept open. In fact the contentions of respective parties are kept open. The writ petition accordingly is allowed in above terms. No costs.

3] Pursuant to the directions of this Court, respondent no. 7 filed application dated 19.12.2017 along with application for condonation of delay to the respondent no.2 – Deputy Director of Land Records, Aurangabad. By the impugned order without deciding the application for condonation of delay, the authority has held that this Court has directed to carry out the necessary correction.

4] The learned counsel for the petitioner submits that the application filed by the respondent no.7 has to be decided on merits and there is no direction by this Court to the authority to carry out correction and the same can be carried out only in the event the application is decided on merits.

5] In view of the same, order dated 2.12.2017 passed by the respondent no.2 and notice dated 11.12.2020 issued by respondent no.4 are quashed and set aside. The matter is remitted back to the respondent no.2 authority to decide the application filed by the respondent no.7 dated

19.12.2017 along with the application for condonation of delay, on its own merits.

6] The application filed by the intervenors is allowed, so also, the intervenors are permitted to file application before the respondent no.2 and to continue with the proceedings initiated by the respondent no.7. Intervenors would be permitted to continue with the proceedings filed by the respondent no.7.

7] In view of the above, the present Writ Petition is disposed of. The matter is remitted back to the respondent no.2 and the respondent no.2 is directed to decide the same in accordance with law.

[ARUN R. PEDNEKER]
JUDGE

DDC