

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

WRIT PETITION NO. 894 OF 2022

Gopinath Bhojaji Rathod

.. Petitioner

Versus

Divisional Commissioner At Aurangabad
and others

.. Respondents

Mr. Farooqui Mohammed T. M., Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 2.

Mr. Umakant B. Deshmukh, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 10th JULY, 2023.

P. C. :-

. Heard learned advocate for the petitioner.

2. The respondent Nos. 3 to 5 had filed proceedings in the office of S.D.O., Parbhani wherein there was delay of 22 years and 13 years respectively in challenging mutation entry Nos. 278 and 686. The S.D.O. by order dated 30.11.2019 was pleased to condone the delay that was caused in filing appeal challenging mutation entries before him. The petitioner challenged the order of condonation of delay by filing Revision Petition No. 05/2020 before the Additional Commissioner, Aurangabad. The Additional Commissioner rejected the revision application by order dated 14.07.2021 keeping it open to the

petitioner to take delay as a ground in the main appeal.

3. This Court finds that, there is no propriety in interfering with the order. This Court finds that, care of concern of the petitioner can be taken by directing the S.D.O., Parbhani to expedite the hearing of the appeal pending before him i.e. Appeal No. 103/2018.

4. It is made clear that, in case the decision goes against the petitioner, the liberty is kept open to the petitioner to take a ground of delay in the said appeal.

5. With this, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.