

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9652 OF 2022

Late. Bhaga Dagadu Pawar
(Through their legal heirs) and Ors.

...Petitioners

V/s.

The Revenue and Forest Department,
Mantralaya, Mumbai and Ors.

...Respondents

Mr. Kishor Ajetroa, for the Petitioners.

Mrs. V.S. Nimbalkar, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. By this petition, Petitioners challenge order dated 8 February 2017 passed by the State Government allowing the application filed by the Applicant before it and remanding the proceedings for fresh consideration before the Sub-Divisional Officer.

2. The present petition has been filed on 8 July 2022. The only explanation given for delay in filing the present petition is to be found in para-3 of the petition which reads thus :

“3. The Petitioners state that, the Respondent No.1 passed the impugned Order on 08/02/2017 and but due to pandemic of Covid-19 Petitioner couldn't approach and Applicant obtained a certified copy on 18/10/2021 and filed present Writ Petition. Hence there is no delay or laches on the part of the Petitioners in approaching this Hon'ble Court and the Petitioners has approached this Hon'ble Court as expeditiously as possible.”

3. The impugned order has been passed on 8 February 2017 and therefore the reason of Covid-19 pandemic in filing the present petition cannot be accepted. For three long years, after passing of the impugned order, there was no Covid-19 pandemic when Petitioners did not set up a challenge to the order dated 8 February 2017. Even otherwise, by the impugned order the proceedings are merely remanded to the Sub-Divisional Officer. Considering laches on the part of Petitioners, this Court declines to exercise jurisdiction under Article 227 of the Constitution of India. The present petition is accordingly **dismissed** without any orders as to costs. Needless to observe that the remanded proceedings shall be decided by the Sub-Divisional Officer without being influenced by observations made in this order.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.