



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

Writ Petition (WP) No. 260 of 2022

Vasanta Pundlik Virdande and others

Versus

Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.N.Mohta, Advocate for the petitioners.
Shri Ujwal Phasate, AGP for the respondent nos. 1 to 5.
Shri R.S.Nagpure, Advocate for the respondent nos. 6 to
12.

CORAM : ANIL S. KILOR, J.

DATED : 30th OCTOBER, 2023.

Heard.

2. This matter pertains to dispute relating to mutation entry which was recorded on 21st December, 1982 and challenge to which, was raised by the petitioners after 35 years by filing an appeal before the Sub Divisional Officer, Yavatmal along with application for condonation of delay.

3. The Sub Divisional Officer, Yavatmal condoned the delay on 17th July, 2018 and subsequent to the same final order was passed on the appeal on 2nd August, 2019, allowing the appeal preferred by the petitioners.

4. Feeling aggrieved by the same, the respondent nos. 6 to 12 preferred an appeal before the Additional Collector, Yavatmal who set aside the order of the Sub Divisional Officer, Yavatmal and remanded the matter back to the Sub Divisional Officer, Yavatmal vide order dated 17th September, 2020.

5. The said order was the subject matter of the challenge before the Additional Commissioner, Amravati in the revision which was rejected by the Additional Commissioner, Amravati and maintained the order of the Additional Collector, Yavatmal. However, he has also set aside the order condoning the delay passed by the Sub Divisional Officer, Yavatmal and remanded the matter to the Sub Divisional Officer, Yavatmal to decide the application for condonation of delay.

6. The said order was passed by the Additional Commissioner, Amravati on 16th November, 2021, is the subject matter of the challenge in this writ petition.

7. After going through the record, there is no dispute that the mutation entries dated 12th December, 1982 was challenged after 35 years by filing an appeal in the year 2017. Such an inordinate delay was condoned by the Sub Divisional Officer by passing the following order.

“Heard the counsel for appellant. Perused reply filed by respondent the delay caused in this case is condoned. It will be in the interest of justice to decide the case on the basis of merit.

8. From the above referred order, it is evident that without discussing anything and without recording any satisfaction, the delay came to be condoned in a cryptic manner.

9. In the circumstances, I do not find any error committed by the Additional Commissioner, Amravati while maintaining the order of the Additional Collector, Yavatmal and directed the Sub Divisional Officer, Yavatmal to decide the application for condonation of delay afresh on remand.

10. In that view of the matter, I do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]