

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

WRIT PETITION NO.358/2023

Vitthal Mandir Sansthan, Paratwada, through its trustees : Ku. Madhuri d/o
Wamanrao Bhawalkar and others

...Versus...

The Deputy Collector and Sub Divisional Officer, Achalpur, Tahsil Achalpur,
District Amravati and others

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

Court's or Judge's orders

Shri R.M. Pande, Advocate for petitioners
Ms Tajwar Khan, AGP for respondent nos.1 and 2
Shri P.P. Kothari, Advocate for respondent nos.4 to 8

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/04/2023

1. Heard Shri R.M. Pande, learned counsel for the petitioners, Ms Tajwar Khan, learned Assistant Government Pleader for respondent nos.1 and 2 and Shri P.P. Kothari, learned counsel for respondent nos.4 to 8.

2. The petition challenges the order dated 27/10/2022, whereby the application for condonation of delay of 250 days, has been rejected on the ground that no proper explanation has been given explaining the delay. Inviting my attention to the directions in the orders passed by the Hon'ble Apex Court in Suo Motu Writ Petition No.3/2020 from time to

time, it is contended that the statues of limitation had been made inapplicable by the Hon'ble Apex Court for the period of Covid-19 and therefore the delay ought to have been condoned.

3. Though Shri Kothari, learned Counsel for the respondent nos.4 to 8 vehemently opposes, contending that there is no proper explanation, it cannot be disputed that the order under challenge was passed on 27/10/2022 and the appeal was filed on 03/03/2022 which period is within the Covid-19 pandemic and is covered by the Hon'ble Apex Court in Suo Motu Writ Petition No.3/2020.

4. In view of this, the impugned order is hereby quashed and set aside and the application for condonation of delay is allowed. The authorities shall restore the appeal and decide the same on merit.

5. The writ petition is allowed in the aforesaid terms. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar