

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

Writ Petition No.288/2023

(Vitthal Mandir Sansthan, Paratwada and others V the deputy Collector and Sub
Divisional Officer, Achalpur and others)

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

Court's or Judge's Orders

Mr. R.M. Pande, Advocate for petitioners.
Mr. P.N. Kothari, Adv for resp. no.3.
Mr. N.R. Patil, AGP for resp. nos. 1 and 2.

CORAM : AVINASH G GHAROTE, J.

DATE : 21-03-2023

Heard Mr. Pande, learned Counsel for the petitioner, Mr. Patil, learned AGP for respondent nos.1 and 2 and Mr. P.P. Kothari, learned Counsel for respondent no.3.

2. The petition challenges the order dated 27-10-22, whereby the application for condonation of 250 days delay, has been rejected on the ground that no proper explanation has been given explaining the delay. Inviting my attention to the directions of the orders passed by the Hon'ble Apex Court in Suo Motu W.P. No. 3/20, 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, Mr. Kothari, learned Counsel for

respondent no.3 vehemently opposes, contending that there is no proper explanation, it cannot be disputed that the order under challenge was passed on 27-10-22 and the appeal was filed on 03-03-22 which period is within the Covid-19 pandemic and is covered by the Hon'ble Apex Court in Suo Motu W.P. No.3/20.

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.

JUDGE