



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

**WRIT PETITION NO. 8895 OF 2024**

**GANESHPRASAD GHANSHYAMDAS CHOUDHARY AND  
OTHERS**

**VERSUS**

**THE ADDITIONAL COMMISSIONER AND OTHERS**

...

Mr. Hanmant V. Patil, Advocate for the Petitioners.

Mr. P. D. Patil, AGP for Respondents-State.

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : 26<sup>th</sup> AUGUST, 2024.**

**P.C.:-**

1. The petitioners impugn order dated 05.03.2024 passed by the learned Additional Divisional Commissioner, Aurangabad in Case No.ROR/REV/CR-268, thereby condoning the delay caused in filing the Revision Application.

2. Mr. Hanmant Patil, learned Advocate appearing for the petitioners submits that delay of about 231 days has been condoned under the impugned order, although there are no reasons stipulated explaining such delay. He would submit that the petitioners had filed detailed affidavit-in-reply opposing to condone the delay. However, cryptic order is passed without considering stipulation in the affidavit-in-reply and delay is condoned without recording reasons.

3. Perusal of record indicates that order impugned in Revision before the Additional Divisional Commissioner was previously subjected to challenge in Writ Petition No.2747/2023 before this Court. The said writ petition came to be disposed of by order dated 28.07.2023. While rejecting the writ petition, this Court observed

that Divisional Commissioner is competent authority to deal with the challenge raised in writ petition and consequently, parties were relegated to the learned Divisional Commissioner. This Court has further observed that in case application for delay condonation is filed, time consumed in prosecuting petition will be considered by the Divisional Commissioner. It appears that, Divisional Commissioner has accordingly exercised his jurisdiction and also considered the observations of this Court in order dated 28.07.2024 and condoned the delay.

4. Although there is merit in the contentions of the petitioners that order is cryptic and without specific observations to the reply, this Court found that considering the nature of dispute, the decision on merits would serve the purpose of justice. From the documents available on record and particularly, observations of this Court while disposing writ petition, it cannot be said that there was absolutely no reason to condone the delay. If the Divisional Commissioner has exercised his jurisdiction within parameters of law, this Court would not entertained petition under Article 227 of the Constitution of India. As such, there is no substance in the writ petition. Writ Petition stands dismissed.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**