



(1)

942wp7962.23

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

942 WRIT PETITION NO. 7962 OF 2023

HAMADBIN AMAR CHAUS AND OTHERS

....Petitioner

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

.....Respondent

Mr. Shaikh Tarek Mobin H., Advocate for the petitioners

Mr. Shaikh R. R., Advocate for respondent Nos.5-A to 5-D

Mr. S. M. Ganachari, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th AUGUST, 2024

P. C.

1. This petition is filed challenging the judgment and order passed by the learned Additional Divisional Commissioner, Aurangabad dated 31-08-2021 rejecting the application for condonation of delay. The delay is of 5 years and 10 months caused in filing the review application.

2. This court is not considering the merits of the matter.

3. Learned advocate for the petitioners submits that delay is properly justified. There was no knowledge of the judgment under review.

4. Learned AGP justified the order.

5. Learned advocate for the respondent vehemently opposed the writ petition stating that reasons assigned in the application were not correct and made against the record. The impugned order clearly shows that the petitioner had already obtained the certified copy on 18-04-2018. On the face of record it is clear that no proper explanation is given. Therefore, he, prays for rejection of the petition.

6. Considering that the petitioners were aware about the judgment, this court is inclined to allow the petition subject to some cost. The writ petition stands allowed. The judgment and order passed by the learned Commissioner in ROR-Review-449-2018 dated 31-08-2021 stands quashed. The delay stands

(3)

942wp7962.23

condoned. The respondent Commissioner shall register the delay application and hear the same within six months from today.

7. In the circumstances, there shall be cost of Rs.1000/- each to be paid to the Respondent Nos.5-A to 5-D.

[KISHORE C. SANT, J.]

VishalK/942wp7962.23