

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8549 OF 2024

Jitesh Bhanushali And Ors. ... Petitioners

Versus

The Additional Collector, Mumbai
Suburban District And Ors. ... Respondents

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Mr. Amogh Singh a/w Mr. Santosh Pathak, Mr. Nimish Lotlikar, Mr. Kailash Pathak i/by Law Origin, Advocate for the Petitioners.

Mr. Suryajeet P. Chavan for respondent Nos.2 to 17.

Ms. Purva Naik, for respondent No.18.

Mr. Y. D. Patil, A.G.P. for the Respondent No.1 – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 18th JUNE 2024

P.C.:

1. Mr. Amogh Singh, appears for the petitioners, Mr. Suryajeet Chavan appears for the respondent Nos.2 to 17, Ms. Purva Naik appears for the Respondent No.18 and the learned A.G.P. for respondent No.1-State. All the parties are represented.

2. The only ground raised is that the order dated 30.05.2024 condoning the delay in filing an appeal against the

order passed by the Sud-Divisional Officer dated 01.08.2022 is not within time, but was by delay of 541 days, which could not have been condoned without according any reasons. A perusal of the order sheet which contains the Rojnama dated 30.05.2024 indicates that the delay has been condoned by a single line, without there being any reasons assigned to the same. That being the position, the same is hereby quashed and set aside and the matter is remanded back to the Additional Collector to decide the application for condonation of delay by according reasons for the same. The matter is stated to be kept tomorrow i.e. on 19.06.2024 before the learned Additional Collector, who shall hear the parties and decide the application for delay by giving reasons.

3. The petition is allowed in the above terms. No costs.

4. At this stage the learned counsel for respondent Nos.2 to 17 raises the grievance that the application for stay is not being heard. There is no bar in law for hearing the application for stay even during the pendency of the application for condonation of delay, considering which the learned counsel for the petitioners submit that the reply to the said application

shall be filed by tomorrow i.e. on 19.06.2024 before the Additional Collector, who shall also decide the same.

(AVINASH G. GHAROTE, J.)