

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12260 OF 2024

Mayur Sharad Balwadkar Petitioner

V/s.

Bharat Nivruti Balwadkar & Ors. Respondents

Mr.Ashok Tajane, for the Petitioner.

Mr.R.S. Pawar, AGP, for Respondent Nos.3 and 4-State.

CORAM : R.M. JOSHI, J.

DATE : 09th SEPTEMBER 2024

P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that, initially in the Appeal without hearing the Petitioner order of condonation of delay came to be passed by the Sub-Divisional Officer, Haveli. This order was challenged before this Court by filing Writ Petition No.9251 of 2024. Since, during the pendency of the Petition Appeal came to be decided, liberty was granted to the Petitioner to challenge the issue with regard to the condonation of delay in an Appeal/Revision against the order.

3. The learned counsel for the Petitioner submits that, in such circumstances, it was absolutely necessary for the Authority to stay the proceedings till the issue of the delay is considered. It is his further submission that, an Application is moved for transfer of the proceedings from this Authority to any other Additional Collector. It is his submission that, the proceedings are permitted to be continued before the said Authority prejudice will caused to the Petitioner.

4. Having regard to the afforested facts, arguable case arguable case has been made out by Petitioner for stay of the proceedings bearing RTS No/2A/755/2024. Hence, issue notice to the Respondents, returnable on 4th October 2024. In addition to the usual mode of service private service is permitted.

5. Mr.R.S. Pawar, learned AGP, waives service for Respondent Nos.3 and4.

6. Till next date of the hearing there shall be stay to the proceedings before the Additional Collector bearing RTS No/2A/755/2024.

(R.M. JOSHI, J.)