



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

WRIT PETITION NO. 515 OF 2024

Sau. Girjabai w/o Rajendra Atram
Vs.

Additional Commissioner, Nagpur and Ors.

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

Court's or Judge's Orders.

Mr. A.S. Dhore, Advocate for petitioner.
Mr. Alap Palshikar, AGP for respondent Nos.1 to 3.
Mr. Y.Y. Salve, Advocate a/w Mr. B.W. Patil, Advocate for
respondent No.4.

CORAM : N.R. BORKAR, J.

DATE : 22.08.2024.

This petition takes exception to the order dated 06.12.2023 passed by the respondent No.1 – Additional Commissioner, Nagpur Division, Nagpur in VPA No.113/2023-24. By the order impugned, the respondent No.1 has dismissed the appeal filed by the petitioner against the order of disqualification passed by respondent No.2 – Additional Collector dated 28.09.2023, on the ground that appeal was time barred.

2. Learned counsel for the petitioner submits that the application for condonation of delay was not filed under an erroneous impression that there was

no delay in filing appeal. It is submitted that in the facts and circumstances of the case, the respondent No.1 ought to have granted an opportunity to the petitioner to file an application for condonation of delay. It is submitted that in similar circumstances, this Court in ***Vaishali Rajendra Ghude and Ors. Vs. State of Maharashtra and Ors.***, by order dated 16.12.2014 in Writ Petition No.5037/2014, granted opportunity to the petitioner therein to file an application for condonation of delay.

3. On the other hand, learned counsel for the contesting respondent submits that the respondent No.1 has rightly dismissed the appeal as time barred. In support of his submission, the learned counsel for contesting respondent has relied upon the judgment passed by the Hon'ble Supreme Court in ***Ragho Singh Vs. Mohan Singh and Ors.***, reported in ***(2001) 9 SCC 717***.

4. The delay appears to be of approximately 15 days. In that view of the matter, it would be appropriate to grant an opportunity to the petitioner to file an application for condonation of delay. The order impugned is therefore, set aside. Respondent No.1 shall permit the petitioner to file an application

for condonation of delay. If such application is filed within a period of three weeks from today, the respondent No.1 shall decide the said application on its own merits.

5. The petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)