



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3661 of 2023

jeet Dinkar Pande and ors. ..vs.. The State of Maharashtra, through its Secretary for Urban Development and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. M. Vaishnav, Advocate for the petitioners
Mr. A. A. Madiwale, AGP for respondent no. 1
Mr. J. B. Kasat, Advocate for respondent nos. 2 and 3
None for respondent no. 4

CORAM : ANIL L. PANSARE J.

DATED : 25-11-2024

Heard.

2. The contention is that the respondent no. 1 has dismissed the appeal filed by the petitioners on the ground of delay of 40 days without giving benefit of the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3/2020. The Hon'ble Supreme Court has excluded the period from 15-3-2020 to 28-2-2022 for the purpose of limitation, as prescribed under any general or special law, in respect of judicial and quasi-judicial proceedings.

3. In the present case, the order that was challenged before the respondent no. 1 was passed on 11-3-2020 and appeal was filed on 7-7-2020.

4. It is, thus, evident that respondent no. 1 has committed apparent error by dismissing the appeal. The respondent no. 1 ought to have permitted the petitioners to file appeal by extending benefit of the order passed by the Hon'ble Supreme Court.

5. Accordingly, writ petition is allowed. Order dated 25-11-2021 bearing outward No. TPS-2821/03/2021 passed by the Urban Development Department, State of Maharashtra is quashed and set aside.
6. The appeal is remanded to the respondent no. 1 to consider the same afresh in accordance with law.
7. The parties to appear before the respondent no. 1 on 2-12-2024.
8. Respondent no. 1 shall issue notice to respondent no. 4 herein.
9. Writ petition is disposed of in aforesaid terms.

(Anil L. Pansare, J.)