



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

Writ Petition (WP) No. 5161 of 2024

Shilpa Gopal Chandak and others

Versus

Divisional Commissioner, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R.Saboo, Advocate for the petitioners.

Mrs. Mrunal Naik, AGP for the respondent/State.

Shri N.A.Gawande, Advocate for the respondent nos. 6
and 7.

CORAM : N.R.BORKAR, J.

DATED : 26th SEPTEMBER, 2024.

This petition takes exception to the order dated 27th August, 2024 passed by respondent No.1 the Divisional Commissioner.

2. The petitioner herein had filed the appeal before respondent No.1 the Divisional Commissioner against the order of respondent No.2 the Collector, Amravati dated 16th May, 2024.

3. By the impugned order the respondent no.1 Divisional Commissioner, Amravati has held that appeal is not maintainable.

4. I have heard the learned counsel for the petitioner, the learned counsel for the contesting respondent and the learned Assistant Government Pleader for the respondent/State.

5. The respondent No.1 the Divisional Commissioner has held that *prima facie* the appeal is not maintainable. The respondent No.1 has not assigned any reasons in support of its order. In that view of the matter the order impugned is set aside.

6. The respondent No.1 the Divisional Commissioner shall decide the appeal filed by the petitioner afresh on merits as well as on maintainability.

7. The parties shall appear before the respondent No.1 the Divisional Commissioner, Amravati on **1st October, 2024**. The respondent No.1 the Divisional Commissioner shall endeavour to decide the appeal within three weeks from the date of appearance of the parties.

8. The respondent nos. 6 and 7 shall not claim any equity on the basis of construction carried out by them.

9. The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]