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44wp4100.25

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

44 WRIT PETITION NO. 4100 OF 2025

SNEHAL YOGESH MHASKE

....Petitioner

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

.....Respondents

Mr. D. R. Kale, Advocate for the petitioner

Mr. K. N. Lokhande, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd APRIL, 2025

P. C.

1. The petitioner has come to this court against the order passed by the learned Additional Collector dated 30-01-2025 rejecting the appeal as not maintainable.

2. It is the case that while typing appeal memo it was rightly typed as under Section 247 of the MLRC. The learned Additional Collector however, while rejecting the application considered the provision of section 252 (b) of the MLRC & by quoting wrong section that the appeal is not maintainable. The appeal is rejected.

3. The learned advocate for the petitioner submits that in fact appeal was filed under section 247 by inviting attention to the copy of the appeal memo.

4. This court, thus, finds that the appeal is wrongly rejected by the learned Additional Collector quoting wrong section, when the appeal was filed under Section 247.

5. In view of above, this court is inclined to partly allow the petition. Hence, the writ petition stands partly allowed.

6. The impugned order dated 30-01-2025 passed by the learned Additional Collector, Ahilyanagar is hereby quashed and set aside.

7. Authorities to consider the delay condonation application and consequently, if delay is condoned, to consider the appeal on its own merits within a period of four months thereafter.

8. With this, writ petition stands disposed off in above terms.

[KISHORE C. SANT, J.]