

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12551 OF 2024

Shivaji Tulshiram Kudale

...Petitioner

V/s.

The Addl. Collector, Pune and Ors.

...Respondents

Mr. Ganesh Bhujbal *for the Petitioner.*

Ms. Heena Patil, 'B' Panel *for Respondent -State.*

CORAM: SANDEEP V. MARNE, J.

Dated: 8 MAY 2025.

P.C.:

- 1) Heard the learned counsel appearing for the Petitioner.
- 2) Contesting Respondents are duly served. However, none has appeared on their behalf. Considering the limited controversy involved in the present Petition so also the nature of order that is proposed to be passed, it is not necessary to wait any further for appearance on behalf of the contesting Respondents, same is taken up for hearing and disposal.
- 3) Petition challenges order dated 21 March 2024 passed by the Additional Collector, Pune, rejecting the appeal

preferred by the Petitioner as not maintainable. The Petitioner had filed appeal under the provisions of Section 247 of the Maharashtra Land Revenue Code, 1966 (**Code**) before the Additional Collector challenging order dated 22 June 2022 passed by the Sub Divisional Officer, Daund (**SDO**) dismissing their application for condonation of delay.

4) There is a statutory bar of appeal under Section 252 of the Code only in respect of the order condoning the delay. In respect of an order refusing to condone the delay, there is no bar under Section 252 of the Code for filing of an appeal. In that view of the matter, Additional Collector has clearly erred in holding that appeal preferred by the Petitioner was not maintainable.

5) Consequently, order dated 21 March 2024 passed by the Additional Collector is set aside. The appeal preferred by the Petitioner is restored on the file of the Additional Collector, who shall proceed to decide the same on its own merits after hearing the concerned parties.

6) All rights and contentions of the parties are expressly kept open.

7) Writ Petition is partly allowed in above terms. There shall be no orders as to costs.

[SANDEEP V. MARNE, J.]