

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2953 OF 2025

Vilas Dhaku Parab .. Petitioner.
v/s.
Additional Collector and
Appellate Authority through
State of Maharashtra & Others .. Respondents.

Adv. Archana Gaikwad with Adv. Harshal Khavale, for the Petitioner.
Adv. Vrushali Kabre, AGP, for Respondent Nos. 1 and 5-State.

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CORAM: FIRDOSH P. POONIWALLA,J.
DATE : 3rd DECEMBER, 2025.

ORAL JUDGEMENT:-

1 **RULE.** Rule made returnable forthwith and heard finally with the consent of the parties.

2 The present Writ Petition challenges an Order dated 27th September, 2024 passed by the Additional Collector and Appellate Authority (Respondent No.1).

3 By an Order dated 6th June, 2019 passed by the Additional Collector and Appellate Authority in Appeal No. 1854 of 2018 filed by the Petitioner, it was held that, from the submitted documents, it appeared that the hut at Sr. No. 346 in Annexure -2 belonged to the Petitioner, and the original slum dweller's name i.e., Dilip Babaji Khopade, had been wrongly recorded instead of the Petitioner's name. It was also recorded

that the Petitioner had submitted documents supporting this position.

4 However, by the said Order, the Appeal of the Petitioner was rejected on the ground of delay.

5 This Order was challenged by the Petitioner by filing a Writ Petition in this Court, being Writ Petition No. 2171 of 2024. In the said Writ Petition, Appeal No. 1854 of 2018 was remanded back to the Additional Collector and Appellate Authority, Mumbai Suburban District. Further, the Petitioner was directed to file a condonation of delay application in the said Appeal and the Additional Collector and Appellate Authority was requested to decide the condonation of delay application as well as the Appeal.

6 In the light of the aforesaid findings in the Order dated 6th June, 2019 that the hut at Sr. No. 346 in Annexure-2 belongs to the Petitioner and the name of the original slum dweller Dilip Babaji Kholade had been wrongly recorded instead of the Petitioner's name and the Petitioner had submitted documents supporting this position, it is clear that, when the matter was remanded back to the Additional Collector and Appellate Authority, the Additional Collector and the Appellate Authority was required to consider the question as to whether the delay in filing the Appeal can be condoned. However, by the impugned Order dated 27th September, 2024, the Additional Collector has once again gone into the merits which were already decided in the earlier Order dated 6th June, 2019 and has not considered the Application for condonation of delay.

7 In these circumstances, the Order dated 27th September, 2024 is hereby quashed and set aside. Respondent No.1- Additional Collector and Appellate Authority is requested to decide the condonation of delay application of the Petitioner, and if it is found that the delay can be condoned, then pass an order on merits in favour of the Petitioner.

8 Rule is made absolute in the aforesaid terms. There will be no order as to costs.

9 Respondent No.1-Additional Collector and Appellate Authority to decide the delay condonation application as well as Appeal within a period of six weeks from today.

(FIRDOSH P. POONIWALLA,J.)