



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

WRIT PETITION NO. 6786/2024

- (1) **Daulat Natthuji Tupat,**
Aged about 75 years, Occ. Nil,
R/o. Wadgaon Rajdi, Tahsil Dhamangaon Railway,
District Amravati
- (2) **Mahadeo Natthuji Tupat,**
Aged about 72 years, Occ. Nil,
R/o. Wadgaon Rajdi, Tahsil Dhamangaon Railway,
District Amravati
- (3) **Sitaram Natthuji Tupat,**
Aged about 69 years, Occ. Nil,
R/o. Shankarnagar, Amravati, District Amravati

.... PETITIONER(S)

// VERSUS //

- (1) **Talathi,**
Mouze Wadgaon Rajdi,
Tahsil Dhamangaon Railway,
District Amravati
- (2) **Tahsildar,**
Tahsil Office,
Dhamangaon Railway,
District Amravati
- (3) **Sub-Divisional Officer,**
Chandur Railway, District Amravati

(4) **Dadarao Natthuji Tupat,**
Aged about 72 years, Occ. Agriculture,
R/o. Wadgaon Rajdi, Tahsil Dhamangaon,
District Amravati

... **RESPONDENT(S)**

[illegible]

Shri J.J. Chandurkar, Advocate for the Petitioner(s)

Shri H.D. Dubey, AGP for the Respondent/State

Shri A.V. Bhide, Advocate for the Respondent No. 4

[illegible]

CORAM : M.S. JAWALKAR, J.

APRIL 17, 2025

ORAL JUDGMENT :-

- Heard both the parties.

(2) The present Petition is filed by the Petitioners challenging the order dated 05/01/2024 passed by the Respondent No. 3 - Sub-Divisional Officer, Chandur Railway, Amravati in Revenue Appeal No. RTS/64/Wadgaon-Rajdi/2022-23.

(3) Learned Counsel for the Petitioners contends that there is delay of 30 years and without assigning any reason, the said delay has been condoned by the Respondent No. 3 - Sub-Divisional Officer. It also appears that in spite of the reply and the written notes of arguments filed by the Respondent Nos. 2 to 5 therein,

nothing has been considered by the Sub-Divisional Officer while deciding the Application and in fact, the order is passed without assigning any reason. Such order is unsustainable in law and liable to be set aside.

(4) Hence, I proceed to pass following order:-

ORDER

(a) The Writ Petition is **allowed**.

(b) The order dated 05/01/2024 passed by the Respondent No. 3 - Sub-Divisional Officer, Chandur Railway, Amravati in Revenue Appeal No. RTS/64/Wadgaon-Rajdi/2022-23 is hereby quashed and set aside.

(c) The matter is remitted back to the Respondent No. 3 - Sub-Divisional Officer, Chandur Railway, Amravati to consider the Application for condonation of delay afresh after giving due consideration to the contentions of the parties and, if required, by recording the evidence.

(d) The parties shall appear before the Respondent No. 3 - Sub-Divisional Officer, Chandur Railway, Amravati on the date fixed by the Respondent No. 3 – Sub-Divisional Officer in the matter.

(e) Parties to act upon copy of this judgment duly authenticated by Private Secretary.

The Petition stands **disposed of** in the above terms.
Pending Application(s), if any, stand(s) **disposed of**.

(M.S. JAWALKAR, J.)