



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

WRIT PETITION NO.9154 OF 2024

Smt. Laxmi w/o. Nilkanthrao Dhotre
and others

..Petitioners

Vs.

The State of Maharashtra and others.

..Respondents

Mr.V.H.Dighe, Advocate for petitioners

Mrs.B.B.Gunjal, AGP for respondent nos.1 to 5

Mr.D.J.Choudhary, Advocate h/f.Mr.Ranjit D. Gaikwad, Advocate for
respondent nos.6A to 6C, 7 and 8

CORAM : AJIT B. KADETHANKAR, J.

DATE : MARCH 27, 2026

ORDER :-

Feeling aggrieved by the order dated 05.08.2024, passed by the Principal Secretary-cum-Special Executive Officer (A.V.R.), Revenue and Forest Department, Maharashtra State, Mumbai, the petitioners have preferred this Writ Petition.

2. The main contention of the petitioners is that the application before the State authorities was filed against the order dismissing the respondent's proceedings on account of delay. It is further submitted that while deciding the application for condonation of delay, the appeal which was restricted only to the extent of order on the application for condonation delay, the State authority decided the entire matter on merit.

3. Mr.Katneshwarkar, learned Senior Counsel instructed by Mr.V.H.Dighe, learned counsel for the petitioners, would submit that if the authority was to decide the matter on merit, it ought to have followed some modality. The petitioners ought to have been given an opportunity of hearing. With this, he has prayed to remit the matter back to the State authorities to decide only the application for condonation of delay. He submits that if the delay is condoned, then further procedure may take place as regards the challenge to the order on merit.

4. Mr.Choudhary, learned counsel i/b. Mr.Gaikwad, learned counsel for respondent nos.6A to 6C, 7 and 8, would submit that the findings rendered by the State authority are placed on the record. He, however, fairly agree that the proceedings were against the order condoning the delay in the proceedings filed by the petitioners.

5. After hearing the matter for some time, both the parties are at consensus that the impugned order may be quashed and set aside and the parties may be relegated back to the State authorities for hearing the appeal filed by the respondents. He submits that they would file an application on the given date before the State authorities and thereafter, shall argue the matter on its own merit so far as the appeal against the order of condonation of delay is concerned.

6. The submission of both learned counsel at consensus is absolute moderate one.

7. In view of the above, I pass the following order:-

(i) The impugned order dated 05.08.2024, passed by the Principal Secretary-cum-Special Executive Officer (A.V.R.), is quashed and set aside.

(ii) The parties shall appear before the concerned authority on 28.04.2026 with a copy of this order. Thereafter, on the date as the authority fixes, the party shall argue the respective side and the State authority shall pass appropriate order on its own merit on the application for condonation of delay. The further things will depend on the fate of the application for condonation of delay.

(iii) The petition stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

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KBP