

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2570 OF 2026

Namdev Rama Warghade and Anr.

.. Petitioners

Versus

The State of Maharashtra and Ors.

.. Respondents

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- Mr. Saakshat Relekar a/w. Ms. Kalpana V. Chate, Mr. Bharat Shinde, Mr. Govind Mundhe, Mr. Parthraj Ware and Mr. Vinod Kendre, Advocates for Petitioners.
 - Mr. A.C. Bhadang, AGP for Respondents – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2026.

P.C.:

1. Heard Mr. Relekar, learned Advocate for Petitioners and Mr. Bhadang, learned AGP for Respondents – State.
2. Perused the order dated 10.09.2025 appended at Exhibit 'J' – page No.114 of the Writ Petition. *Prima facie* the order which has been passed by the Additional Collector under Section 232 Sub-Section 2 of Maharashtra Land Revenue Code, 1966 rejecting the Appeal nomenclatured as Appeal No.377 of 2025 on the ground that there has been delay of 2 months and 23 days in filing the proceeding is clearly unsustainable in law. The delay according to the Petitioners is of only 1 month and 14 days. The Application for condonation of delay is at page No.75. Reasons are stated in paragraph Nos.4 and 5 thereof.

3. There is no reason whatsoever given in the order which is a singular line order and all that the Additional Collector states is that there has been long delay of 2 months and 23 days.
4. The *lis* between the parties as can be seen from the record of the case and the order passed by the Sub-Divisional Officer is itself pertaining to a proceeding pending before the SDO since 2022 and police complaint registered in 2021.
5. In that view of the matter, the impugned order is *prima facie* unsustainable in law. The delay ought to have been condoned in the above facts especially when Application and reasons were given. The said order dated 10.09.2025 is therefore quashed and set aside.
6. Direction is given to the Additional Collector to determine the Appeal No.377 of 2025 in accordance with law after hearing Appellants and opponents as stated in the cause title of the said Appeal and pass a reasoned speaking order in accordance with law.
7. All contentions of Petitioners and private Respondents are expressly kept open.
8. Writ Petition is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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signed by AJAY
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