



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

WRIT PETITION NO. 7 OF 2025

1. Pundlik Bhaurao Rajurkar, Aged 59 years, Occ: Labour,
R/o Pratik Nagar, Tq. Murtizapur, Dist. Akola.
2. Bebibai Narayan Bawiskar, Aged 62 years, Occ:Household,
R/o Kurala, Tq. Malegaon, Dist. Washim.
3. Mandabai Bhimrao Taturkar, Aged 61 yrs, Occ:Household,
R/o Palso Badhe, Tq. & Dist. Akola.

PETITIONERS

VERSUS

1. Sub-Divisional Officer, Murtizapur, Dist. Akola.
2. Vinod Pralhadrao Indurkar, Aged 44 yrs, Occ: Labour,
R/o Dahatonda, Post Waimana,
Tq. Murtizapur, District Akola.

RESPONDENTS

Shri N.D. Khamborkar, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent no.1.
Shri S.I. Ali, counsel for the respondent no.2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : MARCH 23, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioners have challenged the order dated 22.07.2024 passed by the Sub-Divisional Officer, Murtizapur, District Akola thereby condoning the delay of more than fifteen months in filing the appeal.

3. The learned counsel for the petitioners submits that the father of the petitioners was a protected tenant of the land bearing Survey no.19/2, Gat no.87 situated at Mouza Dahatonda and after his death they became owners of the land and are in possession. It is submitted that after death

of Bhagwan Ganpat Rajurkar, an application for deletion of his name from 7/12 extract was made before the Tahsildar, Murtijapur in which the respondent no.2 appeared and submitted an objection. After considering the objection, the Tahsildar passed an order and effected necessary changes in the 7/12 extract. The respondent no.2 thereafter challenged the said order after a delay of more than fifteen months by filing an appeal before the respondent no.1-Sub-Divisional Officer, Murtijapur which was accompanied with an application for condonation of delay. By order dated 22.07.2024, the application for condonation of delay was allowed by passing a cryptic order without mentioning any reason for condoning the delay. The petitioners have challenged this order by way of instant petition.

4. The learned counsel for the respondent no.2 submitted that the reasons for the delay in filing the appeal were elaborately mentioned in the application and although the order is brief, the same was passed after considering the sufficient cause for condonation of delay.

5. While considering the controversy, it has to be noted that there was delay of about fifteen months and twenty days in filing the appeal before the respondent no.1-Sub-Divisional Officer. The respondent no.1 has condoned the delay by order dated 22.07.2024 which only mentions that the 'condonation of delay is required for deciding the appeal on merits'. Thus, it is clear that the order condoning delay does not at all mention any reasons for inferring that the sufficient cause was made out for condoning the delay.

6. Since the application for condonation of delay of fifteen months and twenty days was opposed by the petitioners herein, it was imperative for the respondent no.1 to deal with the submissions and record reasons for arriving at its conclusion to condone the delay. The order condoning delay is apparently unreasoned and cryptic. Hence, the said order is unsustainable in law. Having regard to the controversy involved, it is in the interest of justice that the matter is remitted to the respondent no.1 for considering the application for condonation of delay afresh.

7. Hence, the writ petition is partly allowed. The order dated 22.07.2024 passed by the respondent no.1-Sub-Divisional Officer, Murtijapur is quashed and set aside. The matter is remanded back to the respondent no.1 for deciding the application for condonation of delay filed by the respondent no.2 herein, afresh after giving an opportunity of hearing to both the parties.

8. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)