

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8576 OF 2021

Babasaheb Vithoba Darekar & Ors. .. Petitioners
Versus
Collector, Pune & Ors. .. Respondents

Mr. Yuvraj Narvankar for the Petitioner.
Ms. Shraddha Dube - Patil i/b Jay & Co. for Respondent No.3-MIDC
Ms. M. S. Bane, AGP for Respondent Nos. 1 and 2-State.

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 21 MARCH, 2024

P.C.:

1. On 21 August 2023 detailed order was passed. The State was directed to file reply. It was noted that no further time will be granted considering that the time was already granted earlier. Again on 22 December 2023, the following order came to be passed:

"1. At the request of Ms. M. S. Bane, as a last chance, we stand this matter over to 10th January, 2024.

2. The State is directed to file its reply on or before the said date failing which we will proceed on the basis that that the State has nothing to say in this matter.

3. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned

will act on production by fax or email of a digitally signed copy of this order."

2. Today, a letter addressed by one Surendra Navale, Sub-Divisional Officer is placed before us by learned AGP, instructing the learned AGP to seek further time. The order dated 22 December 2023 is self operative that if the reply is not filed by 10 January 2024, the Court will proceed in absence of the reply. The officer is clearly aware of this order as he has referred to it in his communication. The officer would be fully aware of the consequences of the order dated 22 December 2023.

3. It is because that the interest of the State should not suffer that we are constrained to defer the hearing. But since it is because of complete lapse on the part of Surendra Navale, Sub-Divisional Officer that we grant time, subject to costs of Rs.25,000/- to be payable to the Maharashtra State Legal Services Authority. It will be open to the State to recover the said costs from the concerned officer. The costs be paid within one week from today.

4. Stand over to **19 April 2024**.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)