
(2003) 04 GUJ CK 0006

In the Gujarat High Court

Case No : Spl. Civil Application No. 3564 of 2003

Makwana Harishbhai Govindbhai

APPELLANT

Vs

District Collector and Others

RESPONDENT

Date of Decision : 28-04-2003

Acts Referred:

Bombay Land Revenue Code, 1879 — Section 211

Citation : AIR 2003 Guj 291

Hon'ble Judges : Jayant M. Patel, J

Bench : Single Bench

Advocate : Party in person, for the Appellant; Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

Jayant Patel, J.—Rule. Mr. Desai, learned AGP for the respondent authorities, waives service of notice of rule.

2. The present petition is preferred by the petitioner for challenging the legality and validity of the order dated 20-2-2003 passed by the Special Secretary, Revenue Department of the State Government whereby the revision has been dismissed on the ground of delay.

3. Mr. Desai, learned AGP, at the outset, submitted that when the Secretary passed the order, the affidavit of the petitioner could not be considered by the officer and, therefore, the same is not considered and he further states that let there be the direction to decide the revision application on merits.

4. The party-in-person who is present has no objection if such course is adopted.

5. Hence it appears that the Special Secretary has committed error apparent on the face of record in not considering the affidavit filed by party-in-person who had explained delay and had made out the case for condoning the delay.

6. Under the circumstances, the impugned order dated 20-2-2003 passed by the Special Secretary is quashed and set aside and the Special Secretary shall decide

the revision application afresh on merits within a period of three months from the date of receipt of the order of this Court. The petition is allowed to the aforesaid extent. No costs.