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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.76 OF 2015

Shankar Parvati Phadtare ..Petitioner.

V/s.

Kalyan Dombivli Municipal Corporation & Ors. ..Respondents.

Mr.Suresh M. Sabrad for the petitioner.

Mr.A.S.Rao for respondent Nos.1 to 5.

Mr.V.S.Gokhale, A.G.P. for respondent No.6.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 6TH JANUARY, 2015

P.C. :-

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the petitioner and learned counsel appearing for respondent Nos.1 to 5 and learned A.G.P. appearing for respondent No.6. The contention of the learned counsel for the petitioner is that on 26th December, 2014, the petitioner had kept an appeal under section 47 of the Maharashtra Regional and Town Planning

Act, 1966 ready which filed and accepted on the same day. The case of the petition is that that the appeal was not heard as the Appellate Authority was not available. Learned A.G.P. has no instructions on this aspect. Considering the limited controversy, the petition need not be kept pending and the same is disposed of by passing following order:-

- (i) We direct the petitioner to appear before the appellate authority on Monday, 12th January, 2015 at 2.30 p.m. The petitioner shall produce an authenticated copy of this order;
- (ii) The appellate authority shall decide the application for stay within a period of two weeks from 12th January, 2015;
- (iii) The order passed on the application be immediately communicated to the petitioner;
- (iv) Till the date of communication of the order passed on the application for interim relief, the interim protection granted to the petitioner under order dated 18th December, 2014 in Writ Petition No.11437 of 2014 shall continue to operate. If the order passed on the application be adverse to the petitioner, the protection granted to the petitioner will continue to operate for a

period of two weeks from the date of service of the communication to the petitioner;

- (v) We make it clear that the prayer for interim relief shall be decided without being influenced by the grant of limited protection by this Court;
- (vi) All contentions of the parties are kept open;
- (vii) The petition is disposed of in above terms.

(A.K.MENON, J.)

(A.S.OKA, J.)