

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9088 OF 2015

Shri Shaukat Gulam Husein Lalani. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents
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Shri Drupad S. Patil for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent State.
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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 11TH SEPTEMBER 2015

P.C.

. Not on board. Taken on board.

2. Heard learned counsel appearing for the Petitioner and the learned AGP for the Respondents.

3. The grievance in the Petition is that though the Appeal against the impugned order under Sub-section (7) of Section 48 of the Maharashtra Land Revenue Code, 1966 is pending before the Sub-Divisional Officer, even the Application for stay has not been heard. The learned AGP has no instructions about the status of the pending Application about the interim relief.

4. Hence, the Petition is disposed of by passing the following order:

ORDER :

- (a) We direct the Petitioner to appear before the Appellate Authority on Tuesday the 22nd September 2015 at 11.00 a.m.;
- (b) The Petitioner shall produce an authenticated copy of this order before the Appellate Authority;
- (c) The Appellate Authority shall decide the prayer for interim relief in the pending Appeal as expeditiously as possible and in any event within a period of two weeks from 22nd September 2015;
- (d) The Appellate Authority is bound to consider the law laid down by the Apex Court in the case of Promoters and Builders Association of Pune v. State of Maharashtra and Others (Civil Appeal No.10717 of 2014 and other connected Appeals) dated 3rd December 2014;

(e) All contentions of the Petitioner on merits are kept open;

(f) The Petition is disposed of on above terms.

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(V.L. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed Judgment/Order.