

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION STAMP NO.453 OF 2015

M/s. Patel Developers and Another. .. Petitioners

Vs

The State of Maharashtra and Others.

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Shri Shardul Singh i/by Shruti Desai & Co for the Petitioners.

Shri J.S. Saluja, AGP for Respondent Nos.1 and 3.

Ms. Yamuna Parekh for BMC.

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CORAM : A.S. OKA & A.PBHANGALE, JJ

DATED : 9TH APRIL 2015

P.C.

. Heard learned counsel appearing for the Petitioners. His only submission is that the hearing of the Appeal before the Appellate Authority be expedited and till the Appeal is disposed of, the Municipal Corporation should be restrained from allotting the premises to any third party or from creating any third party interests.

2. In this Petition under Article 226 of the Constitution of India, there is no substantive challenge to the action of the Municipal Corporation of dispossessing the Petitioners. The interim relief can be granted only in the aid of final relief and there is no final relief claimed of restoration of possession.

3. Moreover, it is an admitted position that the Petitioners have constructed illegal construction of atleast 1 and ½ floors without obtaining requisite permission of the Competent Authority.

4. Though, the Appeal deserves to be expedited, no other relief can be granted to the Petitioners for the reasons recorded above.

5. Hence, we pass the following order.

ORDER :

- (a) We direct the Petitioners or their authorized representative to appear before the Appellate Authority on 27th April 2015 at 3.00 p.m.;
- (b) The Petitioners shall produce an authenticated copy of this order before the Appellate Authority;
- (c) The Appellate Authority shall decide the Appeal as expeditiously as possible and in any event within a period of three months from 27th April 2015;
- (d) All contentions on merits are kept open;
- (e) The Petition is disposed of on above terms;
- (f) All concerned to act upon an authenticated copy of this order.