

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDCITION
WRIT PETITION (L) NO. 833 OF 2015

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri. S.P.Srivastava for the petitioner.
Mr. Vinod Mahadik for the Respondents 1 and 2.
Mr. S.V. Upadhaya, AGP for Respondent No.3.

CORAM : A.S. OKA & A.P.BHANGALE, JJ.
DATED : 07 April, 2015

P.C.:

Not on Board. Taken on Board.

2) Heard learned counsel appearing for the petitioners, Learned counsel appearing for 1st and 2nd respondents and the learned AGP for 3rd respondent. The petitioners have been served with notices under Section 56 of the Maharashtra Regional and Town Planning Act, 1966 ("said Act, 1966"). The petitioners have preferred separate appeals under sub section (1) of Section 56 of the said Act of 1966 before the State Government. The appeals are pending before the State Government. The grievance in the petition is that the notices under Section 56 of the said Act, 1966 are sought to be implemented pending the appeals.

3) In view of the pendency of the appeals, we dispose of the petition by following order:-

a) We direct the petitioners to appear before the Appellate Authority on 24 April 2015 at 3.00p.m. The petitioners shall produce an authenticated copy of this order before the Appellate Authority;

b) Within a period of two weeks from 24 April 2015, the Appellate Authority shall decide the prayers/applications for interim relief made by the petitioners. Orders passed on the said applications be communicated to the petitioners. Till the date of communication of the orders passed to the petitioners, the notices under Section 56 shall not be implemented. In the event, the orders of the Appellate Authority are adverse to the petitioners, the protection granted as above shall operate for a period of three weeks from the date of receipt of the communication of the orders by the petitioners;

4) We make it clear that the Appellate Authority shall decide the applications/prayers for interim relief as well as the appeals without being influenced by the limited protection granted as above;

5) Petition is disposed of on the above terms.

6) All concerned to act on a copy of this order duly authenticated by the registry of this Court.

(A.P.BHANGALE, J)

(A.S.OKA, J)