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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1116 OF 2015

Vinod Amritlal Thakkar & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Sushil Upadhyay, *a/w Mr. Sanjay Singh, i/b A.M. Saraogi, for the Petitioners.*

Mr.S.J. Saluja, *AGP for State-Respondent No.1.*

Ms. Shobha Ajitkumar, *for BMC-Respondent No.2.*

CORAM: A.S. Oka &
A.P. Bhangale, JJ.
DATED: 17th April 2015

PC:-

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the Petitioners, learned AGP for the 1st Respondent and learned counsel for 2nd Respondent. Application for regularisation made by the Petitioners under the provisions of the Maharashtra Regional and Town Planning Act, 1966 has been rejected. Being aggrieved by the said order, the Petitioners have preferred an appeal under Section 47 of the said

Act of 1966 before the State Government on 6th April 2015. The contention raised in this Petition is that action of demolition is sought to be taken by the Municipal Corporation even during the pendency of the Appeal.

3. Considering limited grievance, we dispose of the Petition by passing the following order:

(a) We direct the Petitioners or their authorised representative to appear before the Appellate authority on Monday 27th April 2015 at 3.00 p.m. The Petitioners or their authorised representative shall produce an authenticated copy of this order before the Appellate Authority;

(b) The Appellate authority shall decide the prayer for interim relief in the Appeal within a period of 15 days from 27th April 2015;

(c) We direct that the action of demolition in respect of the structures subject matter of the Appeal shall not be taken by the Municipal Corporation till 27th May 2015;

(d) We make it clear that the Appellate Authority shall decide the prayer for interim relief without being influenced by the limited protection granted by this

Court;

(e) All contentions on the merits of the pending Appeal are kept open.

(f) Petition is disposed of in above terms.

(A.P. Bhangale, J)

(A.S. Oka, J)