

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2705 OF 2016

Mr.Madhusudan Hiralal Malu

..Petitioner

V/s.

State of Maharashtra

Through Ministry of Urban

Development & Ors.

.. Respondents

Mr.P.M. Jadhav for the Petitioner.

Mr.Mandar Limaye for Respondent No.3

Mr.S.D. Rayrikar AGP for Respondent Nos.3 & 4.

CORAM : M.S. SONAK, J.

DATE : 21st APRIL, 2016.

P.C.

1. There is no necessity to entertain the present petition in view of the statement made by Mr.Rayrikar learned AGP, who appears for respondent No.1 that the appeal instituted by Respondent No.3 has already been heard by the concerned Minister yesterday and that the same will positively be disposed of within a period of one month from today, the latest. This statement is accepted as a statement made to this Court.

2. The learned counsel for the petitioner however

submits that in the order dated 22nd July 2014 in Writ Petition No.6758/2014, similar statement with regard to the very same appeal had been made by the learned AGP, with regard to disposal of the appeal within a period of three months. The learned counsel for the petitioner pointed out that despite lapse of almost two years, the appeal has not been disposed of. On this basis, he submitted that contempt proceedings are liable to be initiated against the State.

3. Although, there is no explanation forth coming as to why the statement made and recorded in the order dated 22nd July 2014 in Writ Petition No.6758/2014 was not complied with, relying this time, upon the assurance of the State Government as submitted through Mr.Rayrikar, the AGP, yet another opportunity can be granted to the State Government for disposal of the said appeal.

4. Accordingly, by accepting the statement made by the learned AGP that the appeal instituted by Respondent No.3 will be positively disposed of within a period of one month

from today, this petition is disposed of.

5. All concerned to act on authenticated copy of this order.

(M.S. SONAK, J.)