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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 818 OF 2016  
WITH  
WRIT PETITION (L) NO. 715 OF 2016**

Manish Pravinchandra Shah ...Petitioners  
Vs.

Asstt. Engineer (B & F) N-Ward and Ors....Respondents

Mr. Kishor Patil a/w. Mr. Rajeev Matkar for the petitioners

Ms. Geeta Joglekar for Respondent BMC

Mr. Umashankar Upadhyay AGP for State Respondent No.4  
in Writ Petition No. 818 of 2016

Mr. M.A. Sayyed AGP for Respondent State in Writ Petition No.715  
of 2016.

**CORAM : VM.KANADE &  
M.S. KARNIK, JJ.  
DATED : 22<sup>ND</sup> MARCH, 2016**

**P.C. :**

1. Learned Counsel appearing on behalf of the petitioners submits that their application for regularisation has been rejected by the Corporation. It is submitted that through this petition the petitioners proposes to file an appeal under Section 47 of the Maharashtra Regional Town Planning Act. It is submitted that this Court has granted interim protection to the petitioners in Writ Petition No. 715 of 2016. It is submitted that said interim protection may be continued

during the pendency of the appeal, which is to be filed by the petitioners.

2. It is not in disputed that the flats in question were constructed in 2001. It is an admitted position that no demolition work has commenced so far. Taking into consideration the fact that the flats are in existence since 2001 and are occupied by the petitioners. Secondly since alternate remedy is available for the petitioners by filing an appeal. We dispose of this petition reserving the right of the petitioners to take recourse to the alternate remedies available to them. It is clarified that the interim order is passed in Writ Petition No. 715 of 2016 shall continue during the pendency of the appeal. It is further clarified that the petitioners shall file an appeal within 3 weeks. If appeal is not filed within 3 weeks the interim order shall stand vacated without intimation to Court. The appeal, if filed, shall be disposed off expeditiously by the Competent Authority on merits as well as in accordance with law. With these directions both the petitions are disposed of accordingly.

3. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(V.M.KANADE, J.)