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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.3288 OF 2016

Mallick Arif Anjum & Ors. ...Petitioners
vs.
The State of Maharashtra & Anr. ...Respondents

Ms Minal Chavan for the Petitioners
Mr.Abhijit Patil i/b I.G.Reddy for the respondent
Nos.2 and 3
Mr.Abhijit Desai for respondent No.4
Mr.S.G.Surana i/b M.S.Surana for respondent No.5
Mr.U.S.Upadhayay, AGP for State

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 9, 2016

P.C.:

1 There are two substantive prayers in this petition under Article 226 of the Constitution of India. The said prayers are prayer clauses (a) and (b) which read thus:

“(a) That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order and/or direction in the nature of mandamus, and thereby direct the Respondent No.2 to hear the Appeal No.11 of 2015 expeditiously in a specific time frame pending for hearing since more than a year;

(b) That this Hon'ble Court be pleased to direct the Respondent No.4 and or any one

claiming through or under them to grant four weeks time to the petitioners to prefer writ petition in case of any adverse order been passed in the Appeal bearing No.474 to 487 of 2016 and Admission No.65 & 66 of 2016 and Appeal No.41 to 43 of 2016 pending before the Respondent No.4."

2 As far as prayer clause (a) is concerned, reliance is placed on the order dated 17th July 2015 passed by the Division Bench of this Court in Writ Petition (L) No.1257 of 2015 by which there is already a direction to the second respondent High Power Committee to decide the Appeal No.11 of 2015 expeditiously. Today, we are informed that the High Power Committee holds its sitting only on first and third Saturdays of every month. Therefore, it is not possible to fix a time bound schedule for disposal. However, the High Power Committee is bound by the order dated 17th July 2015 and therefore, the Appeal must be disposed of expeditiously.

3 As far as prayer (b) is concerned, the Appeals referred to therein are against the order of eviction. The learned counsel for the petitioner states that the appeals have been already heard by the respondent No.4 which is the Appellate Authority and the Judgment is awaited. The apprehension expressed by the learned counsel for the petitioner is that if the orders of the Appellate Authority are adverse to the petitioner, the petitioner may be immediately evicted without giving him any

opportunity to challenge the orders.

4 Hence, we dispose of the petition by passing the following order :

- (I) Prayer clause (a) is not entertained in the light of the order dated 17th July 2015 in Writ Petition (L) No.1257 of 2015;
- (II) We direct the Appellate Authority to decide the pending appeals referred to in prayer clause (b) as expeditiously as possible and in any event within a period of three months from the date on which the submissions were concluded;
- (III) The orders passed by Appellate Authority be served to the petitioners;
- (IV) If the orders passed in the Appeal be adverse to the petitioners, the orders of eviction which are subject matter of challenge in the appeals shall not be implemented for a period of three weeks from the date on which the same are served upon to the petitioners;
- (V) All contentions on merits are kept open
- (VI) Writ petition is disposed of on above terms;
- (VII) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)