

Shivaji Appaiya More and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Girni Kamgar Sabha and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. Arshad Shaikh with Mr. Manoj Kadam for the applicants/petitioners.

Mr. P. G. Lad for respondent no. 2.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- OCTOBER 21, 2016

P.C. :-

1. Having heard both sides, we find that sufficient cause is made out for restoration of the writ petitions, which were dismissed. We allow the notices of motion for restoration by setting aside the orders of the Prothonotary and Senior Master. The writ petitions are restored to file.

2. The grievance of Mr. Lad appearing for MHADA is that this court should clarify that restoration of the present writ petitions would not restore the ad-interim orders passed therein. He submits that we should clarify that the ad-interim orders do not get restored by the restoration of the writ petition.

3. We do not think that the respondents can derive any advantage of a technical lapse on the part of the petitioners and possibly their advocate. If some compliance remains with the procedural rules and for that reason the writ petitions were dismissed, then, we do not think that the petitioners should be penalised. While we restore the writ petitions to the file, we decline the request of Mr. Lad clarified as above. We, therefore, restore the writ petitions with the ad-interim order.

4. The notices of motion are disposed of accordingly. The writ petitions be placed for admission on 23rd November, 2016 on the "Supplementary Board".

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)