

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2476 OF 2016

Purushottam Krushnaji Bobde

-vs-

The Maharashtra Housing And Area Development Authority, Bandra (East), Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.J.A.Anthony, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
V.M.DESHPANDE, JJ.

DATE : 04.05.2016.

Heard.

Leave is granted to join the Appellate Authority as a party respondent. The amendment should be carried out forthwith.

By this writ petition, the petitioner challenges the order of the respondent N.3-Estate Manager, Nagpur Gruh Nirman Kshetriya Vikas Mandal, directing the petitioner to vacate the premises that were unauthorizedly occupied by the petitioner.

It is the case of the petitioner that the respondent No.3 was not competent to issue notice under Section 66(1)(b) of the Maharashtra Housing And Area Development Act, 1976.

We, however, find that the petitioner has challenged the impugned order, dated 05/03/2016 in an appeal before the Appellate Authority under Section 70 of the Act. If the appeal is so filed, the correctness or otherwise of the impugned order need not be considered in this writ petition. The grievance of the petitioner would stand redressed at this stage, if a direction is issued to the Appellate Authority under Section 70 of the Act of 1976 to decide the appeal as well as the application filed by the petitioner for staying the order, dated 04/03/2016, within a time frame.

The learned counsel for the petitioner states that in the circumstances of the case, a direction be issued to the Appellate Authority-respondent No.5 to decide the appeal or the application of the petitioner for stay of the impugned order within a reasonable time.

Since the prayer made by the learned counsel for the petitioner is innocuous, without issuing to the notice to the respondents, the writ petition is disposed of with a direction to the respondent No.5 to decide the stay application made by the petitioner as early as possible and positively within a period of two weeks, in accordance with law, from the date of appearance of the petitioner before the respondent No.5-Appellate Authority. The petitioner undertakes to appear before the respondent No.5-Appellate Authority on 06/05/2016. The respondent No.5 should make an endeavour to also decide the appeal filed by the petitioner at the earliest, in accordance with law.

Order accordingly, no costs.

JUDGE

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