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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3154 OF 2012

Shri Gourakh Rupla Patil & Anr.	... Petitioners
Vs.	
The Commissioner, Kalyan Dombivli Municipal Corporation and Ors.	... Respondents

Ms. Kumud A. Bhatia for the Petitioners.
Mr. A.S. Rao for the Respondent Nos.1, 2, 4 and 7.
Ms. N.M. Mehra, AGP for the Respondent Nos.3, 5 and 6.

CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.

DATE : 12th JULY, 2017

PC.

1 Perused the impugned order dated 29th November, 2011.

The said order specifically records that the application made by the petitioners for grant of development permission under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 is rejected. The remedy of preferring an Appeal under Section 47 is available to the petitioners. In view of the availability of efficacious remedy, we decline to entertain this Petition under Article 226 of the Constitution of India. Accordingly, the Petition is disposed of. It will be open for the petitioners to file an Appeal under Section 47 of the MRTP Act. If such an Appeal is preferred within a period of one month from today, the

Appellate Authority is bound to note that the present Writ Petition was filed on 30th March, 2012 and the said Writ Petition remained pending in this Court till today. To enable the petitioners to move the Appellate Authority and to seek appropriate interim relief, ad-interim order passed by this Court on 9th May, 2012 will continue to operate for a period of three months from today. All contentions on merits are kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)