

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5455 OF 2017

Digambar Ramchandra Choudhari .. Petitioner
Vs.
Pune Municipal Corporation & Ors. .. Respondents

Mr. Shriram S. Kulkarni for the Petitioner.
Mr. Abhijit P. Kulkarni for the Respondent No.1.
Mr. V. N. Sagare, Additional Government Pleader for the Respondent No.3-State.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATE : 8th DECEMBER, 2017.

P. C. :

Heard.

By this writ petition, the petitioner has sought a direction against the respondent-corporation, not to take any steps for demolition of the construction till the appeal filed by the petitioner before the State Government under Section 47 of the Maharashtra Regional Town Planning Act is decided.

Since the appeal of the petitioner is pending before the State Government under Section 47 of the MRTP Act, it would be necessary to restrain the respondent-corporation from taking any coercive steps for the demolition of the construction, as taking such steps during the pendency of the appeal would render the appeal infructuous. Hence, we restrain the respondent-corporation from taking any coercive steps for the demolition of the construction only till the appeal is decided by the State Government. Order accordingly.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]