

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

WRIT PETITION NO.5746 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Sagar Batavia i/b Mr.A.N.Giri for the Petitioner

Mr.S.H.Kankal, for the respondent nos.1 and 2

Ms.Darshana P. Solanki for the respondent no.5

Mr.Santosh Pathak for the respondent no.6

**CORAM : K. K. TATED, J.
DATE : JUNE 16, 2017**

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 18.5.2017 passed by the Additional Collector (Enc. & Rem.) directing petitioner to vacate the suit structure immediately.

3 The learned counsel for the petitioner submits that they preferred the Appeal against the said order before the Grievance Redressal Committee on 26.5.2017. He submits that at present Grievance Redressal Committee is not functioning. Hence, he has filed the present petition.

4 Both the counsel submit that same issue was before the Division Bench in Writ Petition (L) No.1554 of 2017. After hearing both the sides, Division Bench by order dated 14.6.2017 directed to hear and disposed of the the Appeals by High Power Committee on its own merits.

5 The learned counsel for the petitioner submits that in view of the order of the Division Bench dated 14.6.2017 petitioner undertakes to move before the High Power Committee within one week for appropriate order. He further submits that for some time, respondent may be restrained from taking any coercive action against the petitioner as per the impugned order dated 18.5.2017 passed by respondent no.2.

6 The learned counsel for the respondent no.6 submits that in the interest of Justice, High Power Committee may be directed to decide the Appeal if any filed by the petitioner as early as possible because entire project is held up.

7 Considering these facts, following order is passed:

a) Liberty granted to the petitioner to move before the High Power Committee for his Appeal within one week from today.

b) If appeal is moved within stipulated time as stated hereinabove, High Power Committee to decide the same on its own merits after hearing both the parties.

- c) Respondents are restrained from taking any action against the petitioner for two weeks as per order dated 18.5.2017 passed by respondent no.2.
- d) Liberty granted to respondent no.6 to move before the High Power Committee for early hearing.
- e) Writ Petition stands disposed of accordingly.

(K.K.TATED, J.)