

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

WRIT PETITION NO. 10724 OF 2016

Mohammed Husain Hafiz Khan ..Vs.. State of Maharashtra & Anr.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. B. P. Pandey I/by. Asad Bukhari for
Petitioner.

Mr. S. B. Kalel, AGP for Respondent no.1 and
2.

CORAM : K. K. TATED, J.
DATE : JUNE 28, 2017.

P.C. :

. Heard learned Counsel for parties.

2. By this petition under Articles 226 and 227 of the Constitution of India, Petitioner is challenging the order dated 31st May, 2016 passed by the Deputy Collector (Encroachment & Eviction) & Competent Authority, Colaba Division, Mumbai and the order dated 24th August, 2016 passed by the Additional Commissioner, Konkan Division, Mumbai.

3. The learned Counsel for Petitioner submit that against the order dated 24th

August, 2016 passed by Additional Commissioner, Konkan Division, Mumbai in Appeal/Desk/LND/668/16, they preferred Revision before the State Government of Maharashtra on 12th September, 2016 and also filed Application for stay. He submit that since then the matter is pending for hearing on its own merits. He submit that hearing of the said Appeal was adjourned on the ground that concerned Minister was not available. He submit that as the Appeal is pending before the Competent Authority, this Hon'ble Court be pleased to continue the ad-interim relief granted by this Court on 20th September, 2016 directing both the parties to maintain status-quo and direct the State Government to decide the Appeal as early as possible on next date.

4. The learned AGP for State submit that he received instructions that they will decide the Appeal preferred by the Petitioner within three months from today. Statement is accepted.

5. In view of the submission made by the learned AGP for Respondent/State, learned Counsel for Petitioner Mr. Pandey submit that they may be permitted to withdraw the present Writ Petition and

continue the ad-interim relief granted by this Court till the hearing and final disposal of the Appeal pending before the Hon'ble Minister, Mantralaya, Mumbai and two weeks thereafter from the date of communication of order.

6. Considering these facts, the following order is passed.

ORDER

(A) Respondent No.1 is directed to decide the Appeal preferred by the Petitioner on 12th September, 2016 challenging the order dated 24th August, 2016 passed by the Additional Commissioner, Konkan Division, Mumbai in Appeal No. LND/668/16 against the order dated 31st May, 2016 passed by the Deputy Collector (Encroachment & Eviction) & Competent Authority, Colaba Division, as early as possible in any case within three months from today.

(B) Ad-interim protection granted by this Court on 20th September, 2016 directing both the parties to maintain status-quo to continue till the hearing and final disposal of the appeal pending before the Hon'ble Minister, Mantralaya, Mumbai.

(C) If the order goes against the petitioner, to continue the same thereafter two weeks from the date of communication of order.

(D) Petitioner to remain present before the Hon'ble Minister, Mantralaya Mumbai on 7th July, 2017 at 3.00 p.m. as per the learned AGP's instructions.

(E) Writ Petition is disposed with above direction.

(F) All parties to act upon authenticated copy of this order.

(K.K.TATED, J.)