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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13949 OF 2016**

Kadari Mohinuddin Naruddin and Ors.	... Petitioners
Vs.	
Add. Collector, Nashik and Ors.	... Respondents

Mr. Bhushan U. Deshmukh for the Petitioners.
Mr. Sandeep Shinde i/by Ergo Juris for the Petitioners.
Mr. C.P. Yadav, AGP for the Respondent Nos.1, 2 and 4.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 21st MARCH, 2017

PC.

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the petitioners and the learned AGP for respondent Nos.1, 2 and 4. We have also heard the applicant in Civil Application No.726 of 2017.

2 The learned counsel appearing for the writ petitioners on instructions states that the Appeal preferred before the State on 6th March, 2013 is still pending. The learned AGP has no instructions in this behalf.

3 In view of limited prayer made in this Petition, we need not keep the Petition pending and we dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the petitioners in the writ petition to appear before the Appellate Authority on 17th April, 2017 at 3.00 pm. The petitioners shall produce an office copy of the Memorandum of Appeal as well as an authenticated copy of this judgment and order before the Appellate Authority;
- (ii) If the Appeal preferred by the petitioners on 6th March, 2013 is already disposed of, a copy of the order passed by the Appellate Authority shall be furnished to the petitioners or to their representative on the date fixed for appearance;
- (iii) If the Appeal is still pending, the Appellate Authority shall endeavour to decide the Appeal as expeditiously as possible and in any event within a period of three months from the date fixed for the appearance of the parties;

- (iv) Needless to add that the Appellate Authority shall give an opportunity of being heard to all concerned parties;
- (v) Civil Application No.726 of 2017 does not survive and the same is disposed of;
- (vi) The learned counsel appearing for the applicant in the Civil Application No.726 of 2017 makes a grievance that the applicant is not made a party to the Appeal. If according to the applicant, he is necessary and proper party, he can always make a proper application before the Appellate Authority which can be decided in accordance with law;
- (vii) All contentions on merits are kept open;
- (viii) Ad-interim relief granted by the learned Vacation Judge on 30th December, 2016 shall continue to operate till 29th April, 2017 to enable the petitioners to move the Appellate Authority for appropriate interim relief.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)