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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.6052 OF 2018

Omkar Prakash Lalji Gupta & Ors.	...Petitioners
V/s.	
The Additional Commissioner & Ors.	...Respondents

Mr.Sachin Dhakephalkar for the Petitioners.

Mr.S.H. Kankal, A.G.P. for the State – Respondent.

Mr.A.B. Kadam for the Respondent Nos.8 and 23.

CORAM : R.D. DHANUKA, J.
DATE : 1ST MARCH, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 6th November, 2017 passed by the learned Additional Commissioner, Konkan Division, rejecting the application for interim relief. The appeal filed by the petitioners is pending before the Additional Commissioner, Konkan Division. There was *status-quo* order passed by the Deputy Collector which was vacated in view of the dismissal of the original proceedings. Since the main appeal is kept on board for hearing and final disposal by the learned Additional Commissioner on 21st March,

2018, it will be in the interest of justice if the impugned order dated 6th November, 2017 passed by the Additional Commissioner refusing to grant interim relief is set aside and the interim relief which was passed by the learned Deputy Collector was which in force till the date of dismissal of the proceedings by the Deputy Collector is continued during the pendency of the appeal filed by the petitioners before the Additional Commissioner, Konkan Division. It is ordered accordingly.

2. Learned Additional Commissioner shall dispose of the appeal filed by the petitioners in accordance with law and on its own merits and without being influenced by the observations made in the impugned order dated 6th November, 2017 which is set aside. The appeal shall be disposed of not later than three months from the date of communication of this order.

3. The parties shall appear before the learned Additional Commissioner, Konkan Division on the appointed date and shall not ask for any unnecessary adjournment. If any adverse order is passed by the learned Additional Commissioner against the petitioners, the same shall not be implemented for a period of two weeks from the date of communication of the said order to the petitioners.

4. The writ petition is disposed of in aforesaid terms. No order as to costs.

5. All the parties including the concerned authorities to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)