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

WRIT PETITION NO. 6806 OF 2018

Suresh Dattatray Choudhari & Ors. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Aditya Barthakur I/b Mr. Nilesh V. Joshi. For the Petitioner.
Mrs. R.A. Salunkhe, AGP for Respondent No.3.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 26TH JUNE, 2018

PC:-

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the Petitioners.
The only substantive prayer in this Petition is prayer clause (a)
which reads thus:-

(a) Hon'ble Court be pleased to issue appropriate, writ, order and or direction restraining respondent no.1 from constructing STP and to maintain status quo on said land until final hearing and disposal of the representation filed before Hon'ble Chief Secretary, Government of Maharashtra by the Petitioners.

3. As we understand prayer clause (a), the Petitioners are praying for a direction against the Pune Municipal Corporation not to construct Sewerage Treatment Plant on the subject land till the

disposal of appeal / representation made by the Petitioners to the Principal Secretary of Urban Development Department of the State Government.

4. Only prayer made in the representation made to the State Government is that a direction be issued to the Pune Municipal Corporation for grant of TDR or cash compensation or FSI. The Petitioners are not seeking restoration of possession of their land by making the representation before Principal Secretary. Interim relief can be always granted in the aid of the final relief. There is no prayer for restoration of possession of the land in the representation made before the State Government. Therefore, even assuming that the application before the State Government is maintainable, in such application, the prayer which is made in this Writ Petition could not have been granted by way of interim relief.

5. Hence there is no reason to entertain this Petition and the same is rejected.

6. However, we direct the Principal Secretary, UDD, State Government to decide the representation dated 12th April, 2018 as expeditiously as possible and in any event within a period of one month from the date on which an authenticated copy of this

order is produced in the office of the Principal Secretary, UDD,
State Government.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)