

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

WRIT PETITION NO. 7105 OF 2018

Naresh Ranchhod Tandel & Anr.

.. Petitioners

v/s.

The Member Secretary,
Planning & Development Authority,
Daman & Ors.

..Respondents

Mr. Venkatesh Dhond, Sr. Counsel a/w. Mr. Rohan Kelkar,
Mr.K.G.Mhatre, Ms. Neha R. Dave i/b. Mhatre & Associates for the
Petitioner.

Mr. S.S.Deshmukh for the Respondent.

Prasanna
Pradeep
Salgaonkar

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**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : JULY 10, 2018.

P.C. :

1. Heard Mr. Dhond, learned Senior Counsel for the petitioner and Mr. Deshmukh, learned Counsel for the respondent.
2. By this petition, filed under Article 226 of the Constitution of India, the petitioner is challenging the Show Cause Notice (Exh.UU) and Order (Exh.YY) dated 13th February, 2018 and 9th March, 2018 respectively. The petitioner had earlier challenged this notice and

order by filing Writ Petition No. 3711 of 2018. The said writ petition was disposed of by Order dated 3rd April, 2018, with liberty to the petitioner to challenge the impugned notice and order by filing appeal before the Appellate Authority. In order to enable the petitioner to approach the Appellate Authority, we had directed both the parties to maintain status quo existing as on that day, for a period of two weeks. The Appellate Authority was directed to dispose of the said appeal as expeditiously as possible, and preferably within a period of four weeks from the date of filing of the appeal.

3. Today, the petitioner has approached this Court making grievance that though they have filed an appeal, the same is not disposed of by the Appellate Authority. Mr. Deshmukh, learned Counsel for the respondent submits that though the Appellate Authority is constituted, one of the members, i.e. the Chief Town Planner is not available for a period of four weeks. He submits that suitable direction may be given that is an endeavor would be made to dispose of the appeal at the earliest.

4. In the above circumstances, we deem it fit to dispose of this petition by directing the Appellate Authority to dispose of the appeal

filed by the petitioner as expeditiously as possible and in any case, within a period of eight weeks from the date of receipt of this order, and file compliance report with the Registry.

5. During pendency of the appeal, we direct both the parties to maintain status quo as of today.

6. Petition is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)