

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7346 OF 2016

Mr.Jagdish Shivanand Wagh. ... Petitioner.
V/s.
Kalyan Dombivali Municipal Corporation
and another. ... Respondents.

Mr.Sagar A. Joshi for the petitioner.
Mr.A.S.Rao for respondent No.1.
Ms.R.A. Salunkhe, AGP for the State.

CORAM : A.S.OKA AND RIYAZ I CHAGLA, JJ.

DATE : 28th March 2018.

P.C.:

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned AGP for the second respondent. The learned AGP tendered across the bar a letter dated 28th March 2018 along with other documents which is addressed to her by the Desk Officer of the Urban Development Department of the State of Maharashtra. The said letter is taken on record and marked "L1" for identification. The letter records that on two occasions when the dates were fixed for the hearing of the appeal, the petitioner remained absent. The said letter also records that the pending appeal under section 47 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act") will be disposed of within a period of three months from today.

2. Hence, in view of the above statement, this petition need not be kept pending and the same is disposed of by passing the following order:

- (i) We accept the statement made on behalf of the second respondent that the pending appeal under section 47 of the MRTTP Act preferred by the petitioner, a copy of which is annexed at Exhibit-K to the petition, will be decided within a period of three months from today;
- (ii) We direct the petitioner to co-operate with the appellate authority for early disposal of appeal by remaining present on the dates fixed for hearing;
- (iii) The order passed on the appeal shall be communicated to the petitioner;
- (iv) Till the date of communication of the order, ad-interim relief granted by this Court on 17th June 2016 will continue to operate;
- (v) If the order in appeal be adverse to the petitioner, the said ad-interim relief shall continue to operate for a further period of four weeks from the date the order is communicated to the petitioner;
- (vi) All contentions on merits are kept open;
- (vii) The petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)