

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 21851 OF 2018****Abdul Samad Ismail Maknoja & Ors.****..... Petitioners****VERSUS****Additional Collector (ENC-REM)
and First Appellate Authority -
Western Suburbs & Ors.****..... Respondents**

Mr.Ashok Pande for the Petitioners.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent no.1.

Mr.Milind More for the Respondent no.3.

Mr.Madhur Surana, a/w. Mr.Makarand Raut for the Respondent no.4.

CORAM : R.D. DHANUKA, J.**DATE : 3rd AUGUST, 2018****P.C.**

The appeal filed by the petitioners is pending before the learned Additional Commissioner (EMC-REM), the First Appellate Authority under section 35(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. Learned counsel appearing for the parties state that the said appeal is placed before the appellate authority on 13th August, 2018.

2. Mr.Pande, learned counsel appearing for the petitioners states that he has no objection if the date of the hearing before the appellate authority is preponed to 7th August,2018.

3. Mr.Surana, learned counsel appearing for the respondent no.4 states that his client is ready and willing to appear before the appellate authority on 7th August, 2018 and oppose the said appeal filed by the petitioners.

4. In view of the statement made by the learned counsel appearing for the petitioners and respondent no.4, the hearing of the appeal preferred by the petitioner before the appellate authority is preponed to 7th August,2018 at 11.00 a.m.

5. Both the parties shall appear before the appellate authority on 7th August,2018 at 11.00 a.m. and shall not seek any adjournment.

6. The appellate authority shall hear both the parties and shall pass an appropriate order on its own merits.

7. It is made clear that this court has not expressed any views on the merits of the matter.

8. All contentions of both the parties are kept open.

9. Till 7th August,2018, the impugned order which is subject matter of the said appeal shall not be implemented.

10. The appellate authority shall not be influenced by the fact that this court has granted interim protection till 7th August,2018 and shall decide the matter on its own merits.

11. Writ petition is disposed of in the aforesaid terms. No order as to costs.

12. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]