

Anand

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

WRIT PETITION (ST) NO. 27877 OF 2018

Hatim Glazing And Cladding Pvt. Ltd. through .Petitioners
its Authorized representative Shoaib Shakir
Hussain Batish

Vs.

The State of Maharashtra through Govt. Pleader .Respondents
High Court & anr.

Ms V. N. Shet a/w Mr. M. A. Vaid i/b. Vaid & Associates,
Advocate, for the Petitioners
Mr. S. H. Kankal, AGP, for the Respondent Nos. 1 & 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.10.2018

P.C.

. Heard learned counsel for the parties.

2. At the outset, learned AGP raises a preliminary objection. He submits that the Petitioners have an alternate efficacious remedy available i. e. of filing an Appeal before the Maharashtra Revenue Tribunal. Since an alternate efficacious remedy is available to the Petitioners and the Petitioners can challenge the order dated 17.09.2018 passed by the Respondent

No. 2 – The Collector, Mumbai City before the Appellate Authority i. e. The Maharashtra Revenue Tribunal, it would be appropriate to relegate the Petitioners before the Appellate Authority i. e. The Maharashtra Revenue Tribunal. The Petitioners are at liberty to file an Appeal as well as Application in the said Appeal seeking stay of the impugned order dated 17.09.2018.

3. To enable the Petitioners to file an appropriate Appeal / Application before the Appellate Authority i. e. The Maharashtra Revenue Tribunal, it would be appropriate to direct the office of the District Collector, Mumbai City, not to take any coercive steps as against the Petitioners, for a period of four weeks from today, pursuant to the order dated 17.09.2018 to enable the Petitioners to file appropriate proceedings before the Appellate Authority. It is made clear, that if an Application for stay is filed by the Petitioners before the Appellate Authority, the same shall be considered on its own merits uninfluenced by the interim protection granted by this Court and decided at the earliest. Appeal, if filed also to be heard and decided within six months of the receipt of this order.

4. Accordingly, the Petition is disposed off in the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)