

nsc.

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

CIVIL WRIT PETITION NO.11735 OF 2018

Austin Francis D'souza	...Petitioner
Versus	
Additional Collector (Enc/Rem) and Appellate Authority – Mumbai City and Ors.	...Respondents

Mr.Anand Pande, for the Petitioner.

Mr.Vinod Mahadik, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th OCTOBER, 2018

P.C. :

1. At the outset, the learned counsel for the Respondent No.2 i.e. the Competent Authority and Assistant Municipal Commissioner, states that the Additional Collector (Enc/Rem) and Appellate Authority – Mumbai City, has passed final orders in the Appeal filed by the Petitioner herein, on 8th October, 2018.

2. Learned Counsel for the Respondent No.2 tenders a copy of the said order dated 8th October, 2018, and also serves a copy of the said

order on the learned counsel for the Petitioner.

3. Learned Counsel for the Petitioner states that he was not aware of the order dated 8th October, 2018, inasmuch as, the same has not been communicated to the Petitioner, till date. Learned Counsel requests that the Petitioner be protected for a period of two weeks to enable the Petitioner to approach the appropriate Authority, by way of an Appeal.

4. In view of the aforesaid, learned counsel for the Petitioner seeks leave to withdraw this Petition, with liberty to challenge the impugned order dated 8th October, 2018, passed by the Additional Collector (Enc/Rem) and Appellate Authority – Mumbai City before the Appellate Authority, within the period mentioned therein.

5. Accordingly, the Petition is disposed of as withdrawn with liberty as prayed.

6. If the Petitioner files an Appeal alongwith an Application for Stay before the Appellate Authority, the said Application for stay shall be

decided, expeditiously.

7. In order to enable the Petitioner to approach the Appellate Authority, no coercive steps be taken against the Petitioner, for a period of two weeks from today. All contentions of the parties are kept open.

8. The Appellate Authority shall decide the Application for Stay, on its own merits, in accordance with law, uninfluenced by the interim protection granted by this Court.

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

(REVATI MOHITE DERE, J.)