

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11788 OF 2018

Mohammad Ilyas Bashir & ors. .Petitioners

Vs.

The Deputy Collector – SRA (Mumbai City) .Respondents
& ors.

Mr. S. Kunchge i/b. Mr. K. Ajetroa, Advocate, for the Petitioners
Mr. Y. D. Patil, AGP, for the Respondent – State
Mr. M. S. Surana, Advocate, for the Respondent No. 4
Mr. S. Thorat, Advocate, for the SRA

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2018

P.C.

. Heard learned counsel for the Petitioner.

2. It is not in dispute that the Petitioners' Appeal, being Appeal No. 2290 of 2018 is pending before the Additional Collector (ENC / REM), the Appellate Authority i. e. the Respondent No. 3. Since the Appeal, being Appeal No. 2290 of 2018 is pending before the Respondent No. 3 i. e. the Additional Collector (ENC / REM), the Appellate Authority, it would not be proper to consider the Petition on merits. Instead, it would be

appropriate to direct the Respondent No. 3 i. e. the Additional Collector (ENC / REM), the Appellate Authority to decide the Petitioners' Appeal, being Appeal No. 2290 of 2018 as expeditiously as possible and in any event within eight weeks from the date of receipt of this order.

3. Learned counsel for the Respondent No. 4 makes a statement that if the Petitioners are found to be eligible, they would be bound by the orders passed by the Respondent No. 3 i. e. the Additional Collector (ENC / REM), the Appellate Authority or the orders passed by the Court.

4. Since the Appeal is pending before the Respondent No. 3 i. e. the Additional Collector (ENC / REM) and Appellate Authority, the Petitioners' premises shall not be demolished till the Appeal is finally decided. The Respondent No. 3 i. e. the Additional Collector (ENC / REM) and Appellate Authority shall decide the Petitioners' Appeal on its own merits uninfluenced by the interim protection granted by this Court to the Petitioners. All contentions of all parties are kept open.

5. The Petition is disposed off on the aforesaid terms.

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

(REVATI MOHITE DERE, J.)