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

CIVIL WRIT PETITION NO.12946 OF 2018

Pushpalata Dattataray Waghere and Anr. ...Petitioners

Versus

Pimpri Chinchwad New Town Development
Authority and Ors. ...Respondents

Mr.P.B.Shah i/b Mr.K.P.Shah, for the Petitioners.

Ms.M.P.Thakur, A.G.P. for the Respondent – State.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 21st NOVEMBER, 2018

P.C. :

1. Heard Mr.Shah, learned counsel for the Petitioners and Ms.Thakur, learned A.G.P. for the Respondent –State.

2. The Respondent No.1 issued a notice under Section 52C of the Maharashtra Regional and Town Planning Act, to the Petitioners, directing demolition of the subject structure. The Petitioners thereafter filed relaxation application under Section 47 of the Maharashtra Regional and

Town Planning Act, which application is rejected by the Respondent No.1. The Petitioners thereafter have filed an Appeal before the State Government along with an application for stay. Since the said Application is not decided, the Petitioners have approached this Court, seeking a direction to decide the stay application expeditiously and meanwhile protect the subject structure. The aforesaid petition was placed before the Vacation Judge of this Court, on 3rd November, 2018. After hearing the learned counsel for the Petitioners and the learned A.G.P, the learned Vacation Judge, passed the following operative order:

“(1) The Respondents are restrained from demolishing the structure situate upon property bearing Survey No.18/11/3 admeasuring about 5000 sq.ft. (ground + 2 floors) till the Stay Petition is heard by the Respondent No.3 or the present Petition is heard by the appropriate bench which would occur earlier/first.”

3. Learned A.G.P. on oral instructions makes a statement that the Petitioners' Appeal itself would be decided within a period of two months from today. Statement accepted.

4. In the light of the above, the Petition is disposed of by passing the following order:-

- a) The Respondent No.3 shall decide the Petitioners' Appeal being Appeal No.TPS/1818/1943/18/Navi-13, as expeditiously as possible and in any event within a period of two months from the date of receipt of this order;
- b) During the pendency of the said Appeal, both the parties i.e. the Petitioners and the Respondent No.1 shall maintain status-quo regarding the subject structure;
- c) In order to enable the Respondent No.3 to comply with the aforesaid order, the Petitioners shall remain present before the Hon'ble Minister for Urban Development, State of Maharashtra, on 3rd December, 2018 along with a copy of this order and copy of the Appeal;
- d) In the event, any adverse order is passed against the interest of the Petitioners, the same shall not be implemented for a period of two weeks from the date of communication to the Petitioners;

- e) Needless to state, that this order shall not be construed as an expression of any opinion on merits of the matter and the Appeal shall be decided independently, on its own merits and in accordance with law.

5. The Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

RANJIT MORE, J.