

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 14514 OF 2018

Smt. Tanuja Bharat Pawar

...Petitioner

Versus

The Grievance Redressal Committee/
Additional Collector, Eastern Suburb, Mumbai
And others

...Respondents

....

Mr. Sagar A. Joshi, Advocate for the Petitioner.

Mr. C.D. Mali, A.G.P. for Respondents No.1 & 2-State.

Mr. P.G. Hartalkar i/b. Tejas Hartalkar, Advocate for Respondent No.5.

Mr. Manohar Ganpat Patil, Registrar, G.R.C. Thane City, is present in the Court.

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CORAM : R. G. KETKAR, J.

DATE : 22nd DECEMBER, 2018

P.C.

1. Heard Mr.Sagar A. Joshi, learned counsel for the petitioner, Mr. C.D. Mali, learned A.G.P. for respondents No.1 & 2-State and Mr.P.G. Hartalkar, learned counsel for respondent No.5, at length.

2. This Petition takes exception to the order dated 6.4.2015 passed by the Deputy Commissioner and Competent Authority, Social Welfare Department, Thane Municipal Corporation as also the order dated 26.11.2018 passed by the Appellate Authority/Additional Collector, Thane. By these orders, the petitioner and 5th respondent are jointly held eligible in respect of their structure bearing No.66.

3. Mr. Joshi submitted that aggrieved by these orders, the petitioner has preferred an appeal before respondent No.1 Grievance Redressal

Committee (for short, 'G.R.C.') On 17.12.2018 and the first respondent has fixed the hearing of the appeal on 27.12.2018. He submitted that the G.R.C. may be directed to dispose of that appeal on that day. He submits that till that time it may be directed that the respondents will not take any coercive steps in pursuance of the impugned orders. Mr. Mali, on instructions, confirms that the appeal is fixed for hearing on 27.12.2018.

4. In view thereof, this Petition is disposed of in the following terms:

- i. The parties shall appear before the respondent No.1 – G.R.C. on 27.12.2018 when the appeal is fixed for final hearing. Respondent No.1 – G.R.C. will decide the appeal on 27.12.2018 in accordance with law.
- ii. No coercive steps shall be taken against the petitioner and the fifth respondent till disposal of the appeal and for a period of two weeks from the date of communication of the order to the petitioner and the fifth respondent.
- iii. It is made clear that this limited protection shall not be construed as an expression on merits either way. All contentions of the parties on merits are expressly kept open.
- iv. Petition is disposed of in aforesaid terms with no order as to costs.
- v. All concerned parties to act upon an authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)