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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 826 OF 2018**

Mr. Prafull Harishchandra Kamble ...Petitioner

Vs.

Additional Collector (ENC)/(REM),
& ors. ...Respondents

WITH

WRIT PETITION (L) NO. 829 OF 2018

Mr. Parimal Harishchandra Kamble ...Petitioner

Vs.

Additional Collector (ENC)/(REM),
& ors. ...Respondents

....

Mr. S.S. Sawant for the petitioners.

Mr. Paresh Shah, respondent No.3 – present in person.

Mr. A.C. Jadhav, Naib Tahsildar, Additional Collector Office, for
respondent No.4.

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**CORAM : SHANTANU S. KEMKAR &
M.S.KARNIK, JJ.**

DATE : 15th MARCH, 2018.

P.C. :

Parties through their Counsel.

2. In the earlier round of litigation, this Court on 19th January, 2018 in Writ Petition (L) No. 175/2018 and Writ Petition (L) No. 180 of 2018 filed by the present petitioners had passed the following order :-

P.C. :-

The petitioner, in both the Petitions, has a remedy of tendering an appeal to the appellate forum objecting to the order passed by the Deputy Collector / Competent Authority, which is said to have been served upon him on 10.01.2018. The petitioners state that they will present the appeals raising challenge to the order passed by the Competent Authority within a period of one week from today together with applications seeking interim orders.

2. The appeals presented by the petitioners and / or applications seeking the interim relief shall be dealt with by the appellate forum and appropriate order shall be passed within a period of two weeks from the date of presentation of the appeals. The respondent-authorities are directed not to take any coercive steps against the petitioners for a period of four weeks from today.

3. With the directions as above, Writ Petitions are disposed of.

3. According to the petitioners, the petitioners have filed appeals along with the prayer for interim relief, but the order on the prayer for interim relief has not been passed by the Appellate Authority as yet. They submit that the protection which was granted by this Court in the aforesaid Writ Petitions was only for four weeks. Respondent No.2 may demolish the petitioners' premises.

4. Heard learned Counsel for the petitioners and representatives of respondent Nos.3 and 4.

5. Having regard to the aforesaid facts, we are of the considered view that these petitions deserve to be disposed of by granting protection to the petitioners to the effect that till the applications for stay are decided, no coercive steps be taken against the petitioners' structure. We order accordingly. We also make it clear that in case any adverse order is passed on the stay applications, the same shall not be given effect for a period of

four weeks. We also expect that the Appellate Authority to decide the stay applications within two weeks from today and the appeals itself within three months.

6. In view of the aforesaid, both the petitions are disposed of.

(M.S.KARNIK, J.)

(SHANTANU S. KEMKAR, J.)