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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3480 OF 2018**

Salim Kamruddin Shaikh & Ors.

... Petitioners

vs.

The Divisional Commissioner & Ors.

... Respondents

Mr. Karan Bhosle a/w. Ms. Aditi Bhargava i/b. NDB Law for the Petitioner.

Mr. Dhruvad Patil a/w. Ms. Shruti Tulpule for Respondent no. 5.

Mr. Manish Upadhye, AGP for Respondent – State.

CORAM : A.K. MENON, J.**DATE : 16th OCTOBER, 2018****P. C.**

1. The Challenge in the petition is to an order passed by respondent no. 1 in Appeal No. DLN/RTS/A-03/2018. On 9th October, 2018 this Court directed respondent no. 3, who was hearing an appeal filed by the petitioners seeking transfer of appeal filed by respondent no. 5 not to pass any order in the appeal till 19th October, 2018. The matter is thereafter listed today.

2. Today Mr. Bhosle, learned counsel for the petitioner submits that in the normal course the alternate remedy is an appeal before Minister for Revenue who was believed to be unavailable at the time when this petition came to be filed. Today it is submitted by the learned AGP that the Minister is available and that he hears appeals on Mondays and that the Minister for Revenue will hear the appeal on 29th October, 2018.

3. In the circumstances Mr. Bhosle submits that he will now file appeal on or before 19th October, 2018 instant. In the circumstances, I pass following order :

- (i) If the appeal is filed by the Petitioners the same will be heard by the Minister concerned and disposed with a reasoned order.
- (ii) In the circumstances interim protection granted will continue till 31st October, 2018. In the event the order is not passed before 31st instant, it will be open for the petitioners to seek extension of protection before the Minister in the appeal. All contentions are kept open.
- (iii) Petition disposed of in the above terms.

(A.K. MENON, J.)