

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8104 OF 2016

Balaji (1) Co-operative Housing
Society Ltd. ... Petitioner.
V/s.
State of Maharashtra and ors. ... Respondents.

Mr. S.S. Kanetkar for the Petitioner.
Mr. A.I. Patel, Addl.G.P. for the Respondent – State.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 9th JANUARY 2019.

P.C.:

1] The petitioner is raising challenge to the communication/letter dated 30th August 2013 issued by respondent No.3, i.e., Tahsildar, Mulshi.

2] It is pointed out that an appeal raising objection to the aforesaid communication/letter was presented to the Sub-Divisional Officer, Pune and the appeal has been decided during pendency of the instant petition on 21st May 2018. A further appeal against an order of Sub-Divisional Officer is entertainable by Additional Collector, Pune and the petitioner proposes to avail the remedy of appeal. It would be open for the petitioner to tender

an appeal within a period of eight weeks from today. If the petitioner tenders an appeal to the Appellate Authority within a period of eight weeks from today, considering the aspect of pendency of the instant petition before this Court, we direct the Appellate Authority, i.e., Additional Collector to decide the appeal on its own merits and in accordance with law.

3] The Appellate Authority while considering the appeal that would be presented by the petitioner shall have to give due regard to the aspect of pendency of the instant petition before this Court while dealing with the application seeking condonation of delay for presenting the appeal that would be presented by the petitioner and the appeal shall be decided on its own merits and in accordance with law.

4] All issues raised in the instant petition are specifically kept open for consideration by the Appellate Authority.

5] In view of the above, Writ Petition is disposed of.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)