

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

**WRIT PETITION NO. 8278 OF 2019
WITH
CIVIL APPLICATION NO. 1758 OF 2019
IN
WRIT PETITION NO. 8278 OF 2019**

Mr. Abdul Sattar Hussain Shaikh & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Ms. S. H. Rajak, Advocate for the Petitioners.

Mr.C.D.Mali, AGP, for the State- Respondent Nos.1 to 4.

Mr. S.C. Pol, Advocate for Respondent Nos. 5 & 6.

CORAM : UJJAL BHUYAN, J.

DATE : OCTOBER 22, 2019.

PC :

1 Heard Ms. S.H. Rajak, learned counsel for
Petitioners / Applicants.

2 Mr. C.D. Mali, learned AGP waives notice for
Respondent Nos. 1 to 4 and Mr. S.C. Pol, learned
counsel waives notice for Respondent Nos. 5 & 6.

3 Considering the subject matter of the related
writ petition and the order that is proposed to be
passed, court is of the view that both the civil

application and the writ petition can be disposed of at this stage of the proceedings.

4 Writ Petition No. 8278 of 2019 has been preferred by the Applicants/ Petitioners, assailing the legality and correctness of order dated 06.07.2019 passed by Respondent No. 2 - Apex Grievance Redressal Committee in Appeal No. 145 of 2019. By the aforesaid order dated 06.07.2019, Respondent No. 2 rejected the prayer of Petitioners for stay of their eviction.

5 Aggrieved, present writ petition has been filed.

6 Civil Application No.1758 of 2019 has been filed for stay of execution of the subsequent eviction notice dated 22.07.2019 issued by Respondent No. 4 as well as the order dated 06.07.2019 passed by Respondent No.2.

7 This Court vide order dated 29.07.2019 took note of the fact that appeal of the Applicants was pending before Respondent No. 2 and, accordingly, directed Respondent No. 2 to take instructions about status of the appeal .

8 When the matter was called upon on 02.08.2019, learned counsel for Respondent No. 2

sought for time. In the circumstances, this court directed that no final order of eviction be passed against the Petitioners / Applicants in the meantime.

9 It is not disputed at the bar that Appeal No.145 of 2019 filed by the Applicants against their eviction is pending before Respondent No.2. Court is of the view that it would be in the interest of justice, if Respondent No. 2 expedites hearing of the appeal and take a decision one way or the other. Till decision is taken on the appeal, Petitioners should not be evicted.

10 Accordingly and in the light of the above, Respondent No. 2 is directed to finally decide Appeal No. 145 of 2019 within a period of two months from the date of the receipt of an authenticated copy of this order. During this period of two months, no final order of eviction be passed against the Applicants/ Petitioners.

11 Needless to say, notice of eviction issued by Respondent No. 4 shall also not be given effect to during pendency of the appeal.

12 This disposes of both the writ petition as well as the civil application.

(UJJAL BHUYAN, J.)