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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO.12991 OF 2018
WITH
CIVIL APPLICATION NO.366 OF 2019

Dnyaneshwar Mahadeo Jagtap and Ors. ... Petitioners
Vs.
Chief Executive Officer and Anr. ... Respondents

Mr. Uday P. Warunjikar for the Petitioners.
Mr. Madhur S. Surana for the Applicant in CAW/966/2019 (Intervenor).
Mr. Deepak R. More a/w Mr. Sagar Tambe for the Respondent No.1.
Mr. Y.S. Khochare, AGP for the Respondent – State.

CORAM : A.S.OKA AND
M.S. SANKLECHA, JJ.

DATE : 19th MARCH 2019.

P.C. :

1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first respondent and the learned counsel appearing for the intervenor. Against the order dated 24th October 2018 which is a clearance order under the provisions of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 (for short “the said Act of 1971”), the petitioners have preferred a statutory appeal before the second respondent. The petition proceeds on the footing that the second respondent is not regularly discharging its judicial function and

is ordinarily available only once or twice in a month. Therefore, the petitioner has invoked the writ jurisdiction under Article 226 of the Constitution of India. Ad-interim relief has been granted to the petitioner. As the petitioners have availed of statutory remedy, we need not keep the petition pending and the same is disposed of by passing the following order :-

ORDER

- (i) We direct the second respondent to decide the appeal filed by the petitioner as expeditiously as possible and preferably within a period of two weeks from the date on which this order is produced in the office of the second respondent;
- (ii) Ad-interim relief granted on 8th March 2018 will continue to operate till the disposal of the appeal preferred by the petitioners. If the decision in the appeal be adverse to the petitioners, ad-interim relief will continue to operate for a period of two weeks from the date on which the appellate order is communicated to the petitioner;
- (iii) We make it clear that the appeal shall be decided without being influenced by grant of ad-interim order by this Court;
- (iv) Writ petition is disposed of on above terms;
- (v) Pending civil application does not survive and the same is disposed of.

(M.S. SANKLECHA, J.)

(A.S.OKA, J.)