

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION Ld. NO. 699 OF 2019

B. Shivram Shetty.

..Petitioner.

Versus

MCGM & Others.

..Respondents.

Mr. P. J. Thorat for the Petitioner.

Ms. Sheetal Metkari for MCGM.

Mr. Milind More, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 6, 2019.**

P. C. :

1. Heard the learned counsel for the respective parties. Earlier, the Petitioner had approached this Court by filing Writ Petition (Id.) N. 354 of 2019, and challenged the order rejecting his application for regularisation. We did not entertain the said writ petition on the ground that Petitioner had an alternate remedy of appeal under section 47 of the Maharashtra Regional and Town Planning Act, 1966. Therefore, we dismissed the said writ petition vide order dated 5th February 2019. However, in order to enable the Petitioner to avail the alternate remedy of appeal, we directed both the parties to maintain status quo regarding the notice structure for the limited period of 4 weeks from 5th February 2019.

2. The Petitioner thereafter within the period of four

weeks, i.e, on 12th February 2019 has filed the appeal along with an application for stay, copy of which is placed on the record of this petition at Exhibit-X. It is the grievance of the Petitioner that neither his appeal is being heard nor his application for stay is being taken up for hearing though he pressed for urgent orders. The Petitioner is, therefore, apprehending that subject structure would be demolished.

3. In the light of above, we inquired with the learned AGP as to when the appellate authority would be able to dispose of the appeal or at least stay application filed by the Petitioner. Having taken instructions, Mr. More, learned AGP submitted that in view of the ensuing elections to Parliament, six months period would be required to decide the appeal.

4. In above circumstances, we are of the opinion that the Petitioner cannot be made to suffer for the inability of appellate authority to dispose of his appeal. We accordingly dispose of this writ petition by passing following order :

:- O R D E R :-

[1] The appellate authority, namely, the authority constituted under section 47 of the Maharashtra Regional and Town Planning Act, 1966 shall dispose of the Petitioner's appeal as expeditiously as possible

and preferably within the period of six months from today.

[2] During the pendency and till the disposal of said appeal of the Petitioner, both the parties shall maintain status quo as of today regarding the subject structure.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]