

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

WRIT PETITION (L) NO.980 OF 2019

Shashikala K. Pujary .. Petitioner.
v/s.
State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION (L) NO.987 OF 2019

Ankush N. Yadav .. Petitioner.
v/s.
State of Maharashtra & Others .. Respondents.

Mr. Hemant Ghadigaonkar, for the Petitioner in both the Petitions.
Mr. L. T. Satelkar, AGP for Respondent Nos.1 & 2 in both the Petitions.
Mr. Abhijeet Kulkarni, for Respondent No.3 in both the Petitions.
Mr. Mayur Khandeparkar with Mr. Pratik Kothari and Ms. Riya Makwana
i/b. I. C. Legal, for Respondent No.4 in both the matters.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 26th MARCH, 2019.

P.C:-

Not on board. Mentioned. Upon mentioning, taken on board.

2 Heard the learned Counsel appearing for the Petitioner, the learned AGP appearing for the 1st and 2nd Respondents, the learned Counsel appearing for the 3rd Respondent and the learned Counsel appearing for the 4th Respondent.

3 Though the Petitioners have a remedy of statutory appeal against the impugned order dated 13th March, 2019, not only that the period of limitation is curtailed to five days but the Petitioners have been called upon to vacate the premises within ten days. As the Petitioners have a remedy of appeal, these Writ Petitions need not to be kept pending. However, Petitioners will have to be protected to ensure that they have a reasonable time to prefer an appeal and to apply for ad-interim relief before the Appellate Authority.

4 It is an undisputed position that period of limitation of thirty days is available to the Petitioners to prefer an appeal. The competent Authority which passed the order has committed a grave illegality by reducing/curtailing the said period to five days. Hence, said direction is liable to be set aside. Accordingly, we pass the following order:-

- (i) Clause (1) of the impugned order dated 13th March, 2019 to the extent it curtails the limitation to five days, is hereby set aside;
- (ii) The remedy of Petitioners to prefer an appeal is kept open. To enable the Petitioners to prefer an appeal, the Petitioners shall not be evicted for a period of three weeks from today;
- (iii) We also make it clear that an application for interim relief/ ad-interim relief which may be filed by the Petitioners, shall be taken up for hearing and decided by the Appellate Authority within a period of one week from the date of filing of the application;
- (iv) All contentions on merits are kept open.
- (v) Accordingly, both the **Petitions** are **disposed of**.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)