

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 : 26<sup>th</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> Respondents, the learned Counsel appearing for the 3<sup>rd</sup> Respondent and the learned Counsel appearing for the 4<sup>th</sup> Respondent.

3            Though the Petitioners have a remedy of statutory appeal against the impugned order dated 13<sup>th</sup> 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 13<sup>th</sup> 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.)