

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2056 OF 2019**

Kaizer Shabanali Badami ...Petitioner
Versus
Mumbai Port Trust & Anr ...Respondent

**WITH
WRIT PETITION (L) NO. 2057 OF 2019**

Jeevan M Mendonca ...Petitioner
Versus
Designated Officer & Deputy Estate Manager (I)
MPT ...Respondent

**WITH
WRIT PETITION (L) NO. 2058 OF 2019**

Jijabai T More ...Petitioner
Versus
Designated Officer & Deputy Estate Manager (I)
Mumbai Port Trust ...Respondent

**WITH
WRIT PETITION (L) NO. 2062 OF 2019**

Sulochana Shetty through Prop. Hotel Manohar ...Petitioner
Versus
Designated Officer & Deputy Estate Manager
(KI) Mumbai Port Trust ...Respondent

Mr AN Giri, *with Sagar Bataria & Pawan Mishra, for the Petitioner in all Petitions.*

Dr Abhinav Chandrachud, *with Roop Basu & Mandar Bangale, i/b The Law Point, for the Respondents in all Petitions.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 12th July 2019

PC:-

1. After these writ petitions were argued for some time and our attention was invited to Section 47 of the Maharashtra Regional and Town Planning Act 1966, all that we direct is that the respondents shall not demolish the structures covered by the communications impugned in these petitions, as also the orders under Section 45 of the Maharashtra Regional and Town Planning Act 1966, for a period of ten (10) days so as to enable the petitioners to approach the appellate authority, namely, the State Government by invoking its appellate power under Section 47 of the Maharashtra Regional and Town Planning Act 1966.

2. The writ petitions are dismissed on the ground that there is alternate equally efficacious remedy available to the petitioners to challenge the order of the Port Trust and the communication dated 27th June 2019.

3. All contentions of both sides are kept open.

4. All concerned to act on an authenticated copy of this order.
5. In the meanwhile the petitioners shall not carry out any additions or alternations to the structures at site nor do they shall create any third party rights.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)