

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13829 OF 2018

Mr. Sadashiv Posha MhatrePetitioner
Versus
The City & Industrial Development
Corporation & Ors. ...Respondents

**ALONG WITH
WRIT PETITION NO.789 OF 2019**

Mr. Baburao Tukaram MhatrePetitioner
Versus
The City & Industrial Development
Corporation & Ors. ...Respondents

**ALONG WITH
WRIT PETITION NO.790 OF 2019**

Mr. Baburao Tukaram MhatrePetitioner
Versus
The City & Industrial Development
Corporation & Ors. ...Respondents

Mr. R.D. Soni a/w. Mr. Sujay Gawade i/by Shree & Co., for the Petitioners in all three petitions.

Mr. Ashitosh M. Kulkarni, Advocate for the Respondent Nos.1 to 4 in all three petitions.

Mr. S.S. Panchpor, AGP for the Respondent No.5 in WP/13829/2019.

Ms. Sushma S. Bhende, AGP for the Respondent No.5 in WP/789/2019.

Mr. S.L. Babar, AGP for the Respondent No.5 in WP/790/2019.

**CORAM : R.D.DHANUKA AND
SURENDRA P.TAVADE, JJ.**

DATE : 11th MARCH, 2020.

P. C. :

1. Mr. Soni, learned counsel appearing for the petitioners in all the aforesaid petitions, states that the appeals filed by his client on 08.03.2018, 15.03.2018 and 05.12.2018 before the State Government are still pending.
2. By an ad-interim order granted by this Court on 06.12.2018 parties

were directed to maintain status-quo regarding notice structure. In this circumstance, it would be appropriate if the appeals filed by the petitioners are decided expeditiously by the State Government. The Appellate Authority of the State Government, who is empowered to hear these appeals under Section 47 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the MRTP Act, 1966), shall dispose of those appeals within eight weeks from the date of first hearing and shall pass an order in accordance with law after hearing the petitioners as well as the CIDCO.

3. The order would be communicated to both the parties within one week from the date of passing of such order. Till such appeals are decided by the Appellate Authority under Section 47 of the MRTP Act, 1966 and for a period of two weeks thereafter from the date of communication of the said order to the petitioners in the aforesaid petitions, if such order is adverse to the petitioner, the Respondent Nos.1 to 4 shall not take any coercive steps against the impugned structure. The Petitioners in these three petitions are also directed not to carry out construction without prior permission from the CIDCO for the work which requires permission.

4. Both the parties are directed to appear before the Appellate Authority on 27th March, 2020 at 11.00 a.m.

5. The writ petitions are disposed of on aforesaid terms.

6. Both the parties as well as the Appellate Authority to act on the authenticated copy of this order.

[SURENDRA P.TAVADE, J.]

[R.D.DHANUKA, J.]