

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Civil Application (CAW) No. 422 of 2020 in Writ Petition No. 8124 of 2019
Kamlesh Soni Vs. State of Maharashtra Through Secretary Urban
Development and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Deshpande, Advocate for the petitioner
Mrs. H.N. Prabhu, AGP for the respondent No.1
Mr. J.B. Kasat, Advocate for the respondents No.2 and 3.

CORAM : MANISH PITALE, J.

DATED : FEBRUARY 14, 2020

This application is filed in disposed of Writ Petition No. 8124 of 2019, whereby, application moved by the petitioner under Section 44 of the Maharashtra Regional and Town Planning Act, 1966, was directed to be decided by the concerned respondents. It was also directed that after decision on the application was taken and communicated, no further steps shall be taken against construction in question for a period of three weeks from passing of such order.

2. The learned counsel appearing for the contesting respondent, on instructions, makes a statement that the order in question was passed by the said respondent on 13/01/2020 and that it was purportedly communicated to the petitioner by post on 23/01/2020. The learned counsel for the petitioner disputed the said statement.

3. In these circumstances, the learned counsel appearing for the contesting respondents is directed to hand over copy of the order passed by the said respondents on 13/01/2020. The copy of the said order is handed over by the learned counsel for the petitioner in the Court today. In this backdrop, the contesting respondent is directed not to take any coercive steps as regards the construction in question for a period of two weeks to enable the petitioner to avail of remedies under the aforesaid Act before the Competent Authority.

4. It is made clear that no further extension of such interim protection shall be granted to the petitioner. It is further made clear that the Competent Authority before whom appeal is filed by the petitioner under the provisions of the said Act will be at liberty to consider the matter on merits as well as on the question of grant of interim relief.

5. The application is disposed of.

JUDGE