

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7313 OF 2022

Dattatraya V. Landge

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Girish S. Godbole i/b Mr.Shon Gadgil and Mr.Shivraj Patne for the Petitioner.

Mrs. Rupali M. Shinde, A.G.P. for the Respondent No.1. – State.

Mr.R.V. More with Mr.Shivram Gawade for the Respondent Nos.2 and 3.

**CORAM: R. D. DHANUKA AND
M.G. SEWLIKAR, JJ.**

DATE : 22nd JUNE, 2022

P.C:-

Rule. Ms. Shinde Learned A.G.P. waives service for the respondent no.1. Learned counsel waives service for the respondent nos. 2 and 3. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus against respondent no.1 to expeditiously decide the stay application filed by the petitioner along with the appeal under section 47 of the Maharashtra Regional & Town

Planning Act, 1966 filed by the petitioner on 8th June, 2022.

3. It is common ground that the said appeal filed by the petitioner under section 47 of the MRTP Act along with stay application are pending before the Appellate Authority of the State Government.

4. We accordingly direct the Appellate Authority to decide the said appeal filed by the petitioner along with stay application within 12 weeks from today.

5. The respondents are directed not to take any coercive steps against the petitioner in pursuance of the impugned order/letter dated 1st June, 2022 or notice dated 11th March, 2022 during the pendency of the said appeal along with stay application before the Appellate Authority and for a period of two weeks from the date of communication of the order that would be passed by the Appellate Authority if the same is adverse against the petitioner.

6. Learned A.G.P. agrees to convey this order to the Appellate Authority for information and compliance.

7. If for any reasons, the said appeal along with stay application are not decided within a period of eight weeks from today, the respondent nos. 2 and 3 shall not take any coercive steps against the petitioner till such appeal along with stay application are decided by the Appellate Authority.

8. It is made clear that this Court has not expressed any views on the merits of the said appeal or the stay application.

9. All contentions of both the parties are kept open.

10. Writ petition is disposed of in the aforesaid terms. Rule is made absolute. No order as to costs.

11. The parties to act on the authenticated copy of this order.

[M.G. SEWLIKAR, J.]

[R. D. DHANUKA, J.]