

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7314 OF 2022

KANCHAN
VINOD
MAYEKAR
Digitally signed
by KANCHAN
VINOD
MAYEKAR
Date: 2022.06.25
14:49:46 +0530

Ganesh V. Landge

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

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

Mrs. M.S. Bane, 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 within 12 weeks from today. If the Appellate Authority fails to decide the said appeal within a period of 12 weeks from today, the Appellate Authority shall consider the stay application immediately.

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.]