

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.15109 OF 2022

Khan Mohammed Hashim
S/o Fer Mohammed & Ors.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

Mr.Rammani G. Upadhyay for the petitioners.
Mr.R.S. Pawar, AGP for the respondents-State.

**CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.
DATE : 7th December 2022**

P.C.:-

. Rule. Learned AGP waives service for the respondents-State.
Rule is made returnable forthwith. By consent of the parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek to impugn the notice dated 23rd May 2022 passed by the respondent no.2 and a writ of mandamus to decide the application dated 20th October 2022 for deciding the matter on merits instead of closing for orders.

3. It is the case of the petitioners that petitioners had applied for adjournment on reasonable grounds. The Appellate Authority has rejected an appeal filed by the petitioners without granting adjournment ex parte.

4. Mr.Upadhyay, learned counsel for the petitioners states that his clients propose to file an appeal permissible in law to impugn the order dated 21st November 2022 within two weeks from today along with the said application. Statement is accepted.

5. If any such appeal is filed within two weeks from today, the same shall be considered on its own merits by the Appellate Authority. The respondents shall not take any coercive steps to enforce the notice dated 23rd May 2022 issued to the petitioners for a period of four weeks from today. The petitioners shall not carry out any construction or alterations of any nature whatsoever without obtaining permission from the local authority during this period.

6. This Court has not expressed any views on the order passed by the Appellate Authority. All contentions of both the parties are kept open.

7. Writ petition is disposed off in aforesaid terms. Rule is made absolute. No order as to costs. Parties to act on the authenticated copy of this order.

M.M. SATHAYE, J.

R.D. DHANUKA, J.