

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2566 OF 2023

Dnyan Ganga Education Trust
Thr. Sec. Mrs. Anita Patil

...Petitioner

V/s.

State Of Maha. Thr. Urban
Development And Ors

...Respondents

Mr. Suhas Oak, Mr. Pranil Sonawane a/w. Vinod Utekar for the
Petitioner.

Mr. Mandar Limaye for the Respondent Nos. 2 & 3 -
Corporation.

Ms. R. M. Shinde AGP for Respondent No.1-State.

CORAM : SUNIL B. SHUKRE &
RAJESH .S. PATIL, JJ.

DATED : 22nd JUNE, 2023

P.C.:

1. Rule. Rule is made returnable forthwith. Heard finally with
the consent of both the sides.

2. Since the Appeal under Section 47 of the Maharashtra
Regional Town Planning Act, 1966 (MRTP) has already been filed, and
is pending since March, 2023, we are of the view, that it should be
appropriate if same is decided at the earliest by the State Government,
in accordance with law. At the same time, we find that balance has to be
struck between the interest of the Petitioner and object of the
development, in accordance with law. Therefore, we pass the following
directions :-

(i) We direct that the Respondent No.2 to decide the Appeal in accordance with law at the earliest preferably within six months from the date of the order.

(ii) We further direct that till the Appeal is decided, in accordance with law, the interim protection granted by this Court on 28th February, 2023 shall continue to operate.

(iii) We further direct that in case, the Appeal is dismissed, the interim protection granted by this Court shall continue to operate for further period of two weeks from the date of dismissal of the order.

3. Rule made absolute in above terms. No costs.

4. All parties to act on authenticated copy of this order.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)