

Iresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4804 OF 2023**

Nitant Jagannath Chavan and Ors

....Petitioners

V/s.

The State of Maharashtra Thr. Prin. Secretary,
Urban Development and Ors

....Respondents

Mr. Raju Suryawanshi for the Petitioners

Mr. A. I. Patel. Addl GP for State-Respondent Nos. 1 & 2

Mr. Gouresh Mogre i/b Mr. Harshad Bhadbhade for Respondent No.
3

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.
DATED : 10 APRIL 2023**

PC. :-

1. Rule. Learned Additional Government Pleader waives service for Respondent Nos. 1 & 2. Learned counsel Mr. Mogre waives service for Respondent No. 3. Rule is made returnable forthwith. Writ Petition is taken up for final disposal.

2. This Petition is filed for challenging the order dated 11th August 2020 issued by Respondent No. 3. In the alternative, a prayer is made for directing Respondent Nos. 1 & 2 to decide Appeal filed under Section 47 of the M.R.T.P. Act for challenging the order dated

11th August 2020.

3. Learned AGP on instructions states that Appeal filed by the Petitioners shall be decided within a period of three months from today. In view of the statement made by learned AGP, Petitioners do not press prayer clause (b). Writ Petition is disposed of by passing the following order.

(I) Respondent Nos. 1 and 2 to decide

Appeal No. क्र.टिपीएस.१२२१ / ९४९ / प्र.क्र.

१२७ / २१ / नवि—१२ within a period of three months from today after giving hearing to the Petitioners.

(II) The order that will be passed in the Appeal shall be communicated to the Petitioners within a period of two weeks from the date of decision.

(III) In the event the decision in the Appeal is adverse to the Petitioners, in that event, Petitioners will be at liberty to take out appropriate proceedings as permissible in law.

(IV) It is made clear that we have not

expressed any view on the merits of the Appeal. Appeal to be decided on its own merits.

(V) Writ Petition is disposed of. Rule is made absolute in the above terms. There will be no order as to costs.

(VI) Parties to act on authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)