

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL WRIT PETITION NO. 3364 OF 2023**

Sahimunnisa Vali Mohammed Khan and anr. ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

.....

Mr. Angad Giri for the Petitioner.

Mr. A. P. Vanarse, AGP for the State.

Mr. Anil R. Mishra for the Respondent No. 4.

.....

**CORAM : N.R. BORKAR, J.**

**DATED : 19 JUNE 2023**

**P.C. :-**

This Court on 16 March 2023 passed the following order:

*"1.The Respondent No.3, the competent authority, has passed an order dated 22/02/2023 directing the Petitioners to remove the unauthorized structures. The Petitioners have filed Appeal No. 375 of 2023 before the Respondent No2. i.e., Additional Collector (Encroachment and Removal) at Bandra, Mumbai. That Appeal was filed on 28/02/2023 along with a stay application. The grievance of the petitioners before the Court today is that the stay application is not decided. Learned counsel for the Petitioners states that the Petitioners apprehend that, before their appeal is decided, the structures would be demolished and irreparable harm will be caused to them. He submitted that the Appeal along with the stay application was listed on 10/03/2023, but on*

*that date the Appellate Authority was not available.*

*2. Considering this situation, the Petitioners can be granted some protection till their stay application is decided by the Appellate Authority.*

*3. Hence, the following order:*

**ORDER**

*i) Issue notice to the Respondents, returnable on 19/06/2023.*

*ii) Learned A.G.P. waives service on the Respondent Nos. 1 and 2.*

*iii) By way of interim relief, the order passed by the Respondent No.3 on 22/02/2023 is stayed till the Petitioner's stay application is decided by the Appellate Authority i.e. Respondent No.2.*

*iv) It is clarified that, there is no stay on deciding the stay application in Appeal No.375 of 2023, as well as, for deciding the Appeal itself. The Appellate Authority can proceed to hear the stay application and the main Appeal itself.*

*v) Stand over to 19/06/2023."*

2. Considering the overall facts and circumstances, the respondent No. 2- Additional Collector shall endeavour to decide the appeal filed by the present petitioner within three months from the date of receipt of copy of this order.

3. Interim order passed by this Court dated 16 March 2023 shall remain in force till decision of the appeal.

4. The Petition is disposed of in above terms.

( N.R. BORKAR, J. )