

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6251 OF 2023

Mohd. Haroon Sabit Ali Khan
 through POA Rajiullah Mohd.
 Haroon Khan

...Petitioner

V/s.

The State of Maharashtra and ors.

...Respondents.

Mr. Anil R. Mishra for the Petitioner.
 Mr. P.G. Sawant, AGP for Respondent Nos.1 and 2.
 Ms P.H. Kantharia for Respondent No.3-SRA.
 Mr. Pratik Amit for Respondent No.4.

CORAM : N.R. BORKAR, J.
DATE : 23.06.2023.

P.C. :

1. This Court on 15 May 2023 passed the following order:

- "1. Not on board. Taken on the production board.*
- 2. This Petition is filed challenging the order dated 22nd February 2023 passed by Respondent No. 3. Learned counsel for the Petitioner states that the letter dated 25 th April 2023 was issued pursuant to the impugned order on 22 nd February 2023. Learned counsel for the Petitioner states that Petitioner has already preferred an Appeal before Respondent No. 2 for challenging the order dated 22 nd February 2023. He states that, the Appeal is still not heard, and now the same is listed for hearing on 14 th June 2023. Learned counsel further submitted that in the event the impugned order is implemented, his Appeal will become infructuous and the structure in question will be demolished.*
- 3. Learned counsel appearing for Respondent No. 3 states that though the Petitioner has preferred the Appeal before Respondent No. 2, he has not taken any steps for seeking interim protection, and only after the*

impugned order is passed, Petitioner has filed the present Petition seeking urgent relief. She, therefore, opposes the grant of any relief at this stage.

4. I have perused the record of the Writ Petition. It is not disputed that the Appeal filed by the Petitioner challenging the order dated 22 nd February 2023 is still pending. Hence, in view of the aforesaid facts and circumstances, the following order is passed.

I. There will be Ad-interim relief in terms of prayer clause (c) till 16 th June 2023, which reads thus:

“(c) that pending the hearing and final disposal of the Writ Petition the Letter dated 25/04/2023 issued by Respondent No. 2 for fixing the date for demolition of the suit premises being Exhibit “A” be stayed”

II. Petitioner is at liberty to move Regular Court on re-opening.”

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. The interim order passed by this Court dated 15 May 2023 shall remain in force till decision of the Appeal.

4. The Petition is disposed of in above terms.

[N.R.BORKAR, J.]