

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

WRIT PETITION NO.8963 OF 2024

Pallavi Chandrakant Patil .. Petitioner

Vs.

State of Maharashtra,
Through Urban Development Dept. and Anr. .. Respondents

Mr. A.A. Kumbhakoni, Senior Advocate, with Mr. Sandeep Dere, Mr. Vishwajeet Mohite, Mr. Siddharth Karpe and Ms. Sonali Pawar, Advocates for the Petitioner.

Mr. P.P. Kakade, Government Pleader, with Ms. G.R. Raghuwanshi, Assistant Government Pleader, for Respondent No.1-State of Maharashtra.

Dr. Milind Sathe, Senior Advocate, with Mr. Gaurav Srivastav, i/by Mr. Bhushan Bandiwadekar, Advocates for Respondent No.2.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 28TH JUNE, 2024.

PC. :

1. We have heard the learned counsel for the parties.
2. We find that the challenge raised in this Writ Petition is to an ad-interim order dated 13th June 2024 passed by the Maharashtra Administrative Tribunal in Original Application No.708 of 2024. We however find that the petitioner, who is respondent no.2 in the proceedings before the Tribunal, has not sought vacation / modification of the said ad-interim order but has instead sought to challenge it before this Court.
3. Having heard learned counsel for the parties, we had indicated to

the learned Senior Advocate for the petitioner that we were not inclined to entertain the challenge to the ad-interim order dated 13th June 2024 for the reason that the petitioner could always apply to the Tribunal for vacating/modifying that order and rely upon the material now sought to be relied upon. On instructions, it was submitted that the petitioner would approach the Tribunal in that regard.

4. In view of the aforesaid, the following directions would serve the ends of justice :-

- (i) Since the petitioner seeks to apply for vacating / modifying the ad-interim order, she is permitted to make such application before the Maharashtra Administrative Tribunal by 1st July 2024.
- (ii) If such application is made, it would be open for the respondent no.2 to file affidavit opposing the same in the next two days.
- (iii) The Maharashtra Administrative Tribunal is requested to expeditiously consider the prayer for vacating / modifying the ad-interim order or confirming the ad-interim order on its own merits and preferably by 5th July 2024.
- (iv) It is clarified that this Court has not examined the rival contentions and they can be raised before the Maharashtra Administrative Tribunal.

5. Writ Petition is disposed of. No costs.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]