

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3264 OF 2015

Dr. Taher Ahmed s/o Shaikh Mohd.,
Age-48 years, Occu:Medical Profession,
R/o-Labour Colony, Near Noble School,
And Waghi Road, Vazirabad,
Nanded.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Dept. of Urban Development,
Mantralaya, Mumbai-32,
- 2) Nanded-Waghala City Municipal
Corporation, Nanded,
Through its Commissioner,
- 3) The Police Station Incharge,
Vazirabad Police Station,
Nanded.

...RESPONDENTS

...

Mr.M.D. Narwadkar Advocate for Applicant.
Mr.M.M. Nerlikar, A.P.P. for Respondent No.1.
Mr.R.K. Ingole Patil Advocate for Respondent
No.2.

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**CORAM: A.B. CHAUDHARI AND
INDIRA K. JAIN, JJ.**

DATE : 7TH SEPTEMBER, 2015

ORAL ORDER :

. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel for the respective parties.

2. It is not in dispute that excess construction made by the Applicant stands regularized upon assessment of hardship premium charged by the Town Planning Authority. Nevertheless the offence under Section 52 of the M.R.T.P. Act was registered.

3. The learned counsel for Respondent No.2 states that regularization that is made, is provisional. Statement is accepted.

4. We think that the construction having been regularized upon acceptance of premium by the Town Planning Authority, following order deserves

to be passed:-

O R D E R

(I). Rule is made absolute in terms of prayer clause (B) of the Application.

(II) Criminal Application No.3264 of 2015 stands disposed of, accordingly.

[INDIRA K. JAIN, J.]

asb/SEP15

[A.B. CHAUDHARI, J.]