IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7932 OF 2012

Shri Basheer Najikhan Pathan & Another. .. Petitioners
Vs
Pimpri Chinchwad Municipal Corporation
and Others. .. Respondents

Ms. Tejasweeta Kadam i/by Shri Rahul S. Kate for the Petitioners.
Shri G.H. Keluskar for Respondent Nos.1 and 2.
Shri V.S. Gokhale, AGP for Respondent No.3.

CORAM : A.S. OKA & A.K.MENON, JJ
DATED : 4TH MARCH 2015

P.C.

. The learned counsel appearing for the Petitioners on instructions of the Petitioners states that the Petitioners are not pressing the challenge to the impugned notice, but they may be permitted to apply for regularization. She states that an Application for regularization shall be made within a period of one month from today.

2. We have heard learned counsel appearing for the First and Second Respondents and the learned AGP for the Third Respondent.

3. In view of the aforesaid request, we pass the following order:

ORDER :

(a) The Writ Petition is dismissed as withdrawn;

(b) It will be open for the Petitioners to make an Application for regularization in the prescribed format in accordance with Sub-section (3) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 to the First Respondent within a period of one month from today;

(c) If such an Application is made by the Petitioners, an appropriate officer of the First Respondent shall decide the same within a period of two months from the date of receipt of such Application;

(d) Order passed on the Application for regularization shall be communicated to the Petitioners or to their licensed Architect;

(e) The ad-interim order passed by this Court dated 17th August 2012 shall continue to operate till the date on which the order passed on the Application for regularization is communicated to the Petitioners or their Architect, whichever is earlier;

(f) If the order passed on the application for regularization be adverse to the Petitioners, the ad-interim order shall continue to operate for a period of one month from the date of communication of the said order to the Petitioners or their Architect, whichever is earlier;

(g) If the Petitioners fail to make an application for regularization within the stipulated period of one month from today, the First Respondent Municipal Corporation is free to take action of demolition without issuing any notice to the Petitioners and the protection granted under this order will not apply to the Petitioners;

(h) We make it clear that we have not made any adjudication on the issue whether the Petitioners are entitled to get the structures regularized;

(i) All the questions on the Application for regularization are kept open;

(j) The Petition is disposed of on above terms;

(k) The parties to act upon an authenticated copy of this order.

(A.K.MENON, J) (A.S. OKA, J)