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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8643 OF 2015**

Ankush Vithu Kadu and Anr.	Petitioners
Vs.	
City and Industrial Development Limited	Respondents

Mr. S.A. Rajeshirke i/by Mr. Prabhakar M. Jadhav, for the Petitioners.

**CORAM : A.S. OKA &
K.R.SHRIRAM, JJ.**

DATE : 27th AUGUST, 2015

P.C.

. **Not on board. Taken on board.**

. Heard the learned counsel appearing for the Petitioners.

The Petitioners are challenging the notice issued on 16th January, 2014 under Section 54(1) of the Maharashtra Regional and Town Planning Act, 1966. The notice relates to a RCC structure admeasuring 474.60 square metres. Paragraph 1 of the Petition discloses that the structure consists of stilt plus five floors. In the Writ Petition, there is a specific averment in clause (e) of paragraph 4 that the structure has been constructed in the year 2012. In clause (f) of paragraph 6, it is contended that the old house was demolished and a new house was constructed in the year 2012. The Petitioners claim that they have sold 28 flats in the said building constructed in the year 2012. Thus, this is a

case where in the year 2012, admittedly without obtaining any development permission from the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) which is the Planning Authority, the Petitioners have illegally constructed the structure consisting of ground plus five floors admeasuring 474.60 square metres. At this stage, the Petitioners rely upon a permission granted by the village panchayat on 30th April, 2012. Condition No.9 thereof specifically records that if the land is coming within the jurisdiction of the CIDCO, permission of CIDCO shall be obtained by the Petitioners. Admittedly, the Petitioners have not obtained any such permission. The learned counsel for the Petitioners is not able to show any policy under which the said building can be regularised. In any event, there is no notice issued under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966. Hence, the Petitioners cannot take benefit of Sub-section (3) of Section 53.

2. Considering the fact that the Petitioners have carried out a huge illegal construction of ground plus five floors having an area of 474 square metres in a most brazen manner, this is not a fit case to entertain a Petition under Article 226 of the Constitution of India. The Petition is rejected.

(K.R.SHRIRAM, J)

(A.S. OKA, J)