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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8300 OF 2014

Kishor Ramkrishna Mhatre ...Petitioner
vs.
The City & Industrial Development
Corporation & Ors. ...Respondents

Mr.S.N.Gawade i/b M/s.Shree And Co.for the
Petitioner
Mr.Akshay Shinde i/b Mr.Ashutosh M. Kulkarni for the
respondent Nos.1 and 2
Mr.A.S.Kaningdhvaj i/b Sandeep Marne for respondent
No.3
Mr.V.S.Gokhale, AGP for respondent No.4

CORAM : A.S.OKA, &
G.S.PATEL, JJ.

DATE : NOVEMBER 17, 2015

P.C.:

1 Heard the learned counsel for the petitioner, the learned counsel for the respondent Nos.1 and 2, the learned AGP for the respondent No.4 and the learned counsel for the respondent No.3. By this petition under Article 226 of the Constitution of India, the petitioner has taken an exception to the notice dated 26th June 2014 under sub-section (1) of section 54 of the Maharashtra Regional and Town Planning Act, 1966. On the basis of the policy of the respondent No.1, on 4th July 2014, the petitioner has applied for regularization of the structure subject matter of the impugned notice to the respondent No.2. The learned counsel for the respondent Nos.1 and 2 confirms that the said application made by the petitioner (Exhibit-D to the petition) is pending.

2 The very fact that the petitioner has applied for regularization shows that the petitioner has accepted that the structure subject matter of the impugned notice dated 26th June 2014 has been constructed without obtaining permission of the Competent Authority. As the application made by the petitioner for regularization is pending, we dispose of the petition by passing the following order:

- (I) We direct the respondent No.2 to decide the pending application for regularization within a period of two months from today;
- (II) The order passed on the application for regularization be communicated to the petitioner;
- (III) Till the date of communication of the order to the petitioner, status quo as of today in respect of the structure subject matter of the impugned notice shall be maintained by the petitioner as well as by the respondent Nos.1 and 2;
- (IV) If the order passed on the application for regularization be adverse to the petitioner, limited protection granted as above shall continue to operate for a period of four weeks from the date on which the order is served to the petitioner;
- (V) All contentions on merits of the application for regularization are kept open;
- (VI) Writ petition is disposed of on above terms.

(G.S.PATEL,J.)

(A.S.OKA,J.)