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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 65 OF 2015

Rajendra Thacker

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Ms. Rumana Bagdadi I/by Sumedha Rao for the petitioner.

Mr. G.W. Mattos, AGP for respondent No. 1 State.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.
DATED : 28th OCTOBER, 2015**

P.C. :-

The affidavit of Mr. Sanjay Shantaram Banait, the Deputy Director of Town Planning, Mumbai is taken on record. The affidavit records that the Committee constituted on the issue of regularization of the unauthorized constructions in the city has submitted a report to the State Government on 5th March, 2015. It is stated that the report is under consideration of the Government. Paragraph 4 of the affidavit reads thus :

“4. In view of what is stated by me hereinabove, I say that since no policy decision is taken by the Government pertaining to the regularisation of unauthorized construction in the State of Maharashtra, the question of entertaining the above PIL cannot and does not arise at all. I therefore, humbly state that this

Hon'ble Court be pleased to pass appropriate orders in the facts and circumstances of the present case."

This petition is based on the apprehension that about 56,000 unauthorized buildings will be regularized without following the guidelines issued by the Division Bench of this Court in the case of **Rajendra Thakkar Vs. Mumbai Municipal Corporation, (2004 (4) Bom CR 1).**

We accept the statements made in the affidavit of Mr. Sanjay Shantaram Banait. Hence, it is not necessary to entertain this PIL as of today. However, if the State Government wants to take a policy decision of regularization of the buildings which are the subject matter of this petition, fifteen days' advance notice shall be given by the respondents to the petitioner.

Subject to what is observed above and subject to the above direction, The PIL is disposed of.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)