

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.26 OF 2015

Mr.Pradeep J. Thorat for the Petitioner
Ms Shobha Ajitkumar for the respondent Nos.1 and 2.

P.C.:

2 Notice was issued to the petitioner under sub-section 1 of section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act'). In terms of sub-section (3) of section 53, the petitioner has submitted a proposal for regularization dated 27th November 2014 which is actually submitted on 28th November 2014.

3 At this stage, the learned counsel for the
respondents has produced for perusal of the Court a
letter dated 8th January 2015 addressed by the
Executive Engineer, (Building Proposal), H Ward of

the Municipal Corporation by which the petitioner's Architects have been informed that the proposal dated 27th November 2014 has been rejected. We direct the Advocate for the respondents to supply a copy of the said communication to the Advocate for the petitioner.

4 Now the remedy of the petitioner is under section 47 of the MRTP Act.

5 Hence, we dispose of the petition by passing the following order:

- (I) We direct the Advocate for the respondents to supply a copy of the aforesaid communication dated 8th January 2015 to the Advocate for the petitioner within a period of two days from today;
- (II) It will be open for the petitioner to prefer an appeal under section 47 of the MRTP Act for challenging the order of rejection of the proposal;
- (III) To enable the petitioner to do so and to apply for appropriate interim relief, ad-interim relief granted on 9th December 2014 shall continue to operate for a period of two months from today;
- (IV) All contentions on merits are kept open.

(V.L.ACHLIYA, J.)

(A.S.OKA, J.)