

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODG.) NO. 2987 OF 2015

Tarun C. Ramchandani and Others. .. Petitioners
Vs
State of Maharashtra and Others. .. Respondents
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Shri Rajesh Khobragade i/by Sandeep D. Sherkhane for the Petitioners.
Shri Vinod Mahadik for the Respondent Nos.2 and 3.
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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 17TH OCTOBER 2015

P.C.

Not on board. Taken on board.

2. The learned counsel appearing for the Petitioners and the learned counsel appearing for the Respondents Nos.2 and 3.

3. The challenge in this Petition under Article 226 of the Constitution of India is to the notices issued under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act (for short “MRTP Act”) and consequential notices issued under Sub-section 6(b) of Section 53 of the said MRTP Act. The learned counsel appearing for the Petitioners on instructions states that the Petitioners will apply for regularization of the structures subject matter of the

impugned notices within a period of two weeks from today. We accept the said statement.

4. The very fact that the Petitioners desire to make an application for regularization shows that the Petitioners have accepted that the structures subject matter of the impugned notices have been made without obtaining development permission.

5. Hence, we pass the following order:

ORDER :

- (a) It will be open for the Petitioners to make applications for regularization of the offending structures subject matter of the impugned notices within a period of one month from today. The applications shall be made in prescribed manner through a licensed Architect. If such applications are made within the stipulated period of one month, the Respondents shall decide the same within a period of 60 days from the date on which the applications are filed;

- (b) The orders passed on the applications be communicated to the Petitioners or their licensed Architect. Till the date of communication of the orders to the Petitioners or their licensed Architect, whichever is earlier, no further action shall be taken on the basis of the impugned notices;
- (c) If the orders be adverse to the Petitioners, no action shall be taken for a period of one month from the date on which the communication is received by the Petitioners or their licensed Architect, whichever is earlier;
- (d) All the contentions on the applications for regularization are kept open;
- (e) The Petition is disposed of on above terms;
- (f) All parties to act upon an authenticated copy of this order.

(V.L. ACHLIYA, J)

(A.S. OKA, J)