

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3181 OF 2015

Mrs. Rupa Shersingh Thapa and Others. .. Petitioners
Vs
The Commissioner and Others. .. Respondents
—
Shri Ajit J. Kenjale for the Petitioners.
Shri Vinod Mahadik for the Respondent Nos.1 to 3.
--

CORAM : A.S. OKA & G.S. PATEL, JJ
DATED : 17TH NOVEMBER 2015

PC.

. Not on board. Taken on board.

2. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the First to Third Respondents.

3. The challenge is to the notice under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTTP Act”). The learned counsel appearing for the Petitioners on instructions states that the Petitioners will apply for regularization in accordance with Sub-section (3) of Section 53 of the MRTTP Act within a period of three weeks from today. We accept the said statement.

4. It is very clear from the said statement that the Petitioners

have accepted that the development set out in the schedule to the impugned notice is an unauthorized development.

5. In view of the aforesaid statement, we pass the following order:

ORDER :

- (a) It will be open for the Petitioners to make an Application for regularization in the prescribed format through a licensed Architect to the Mumbai Municipal Corporation within a period of three weeks from today;
- (b) If such an Application is made by the Petitioners within the stipulated period of three weeks, the Municipal Commissioner shall decide the same within a period of 60 days from the date of receipt of such Application;
- (c) Order passed on the Application for regularization shall be communicated to the Petitioners or to their licensed Architect;
- (d) Till the date of communication of the order to the

Petitioners or to their licensed Architect, whichever is earlier, no action shall be taken on the basis of the impugned notice dated 19th October 2015;

- (e) If the order passed on the application for regularization be adverse to the Petitioners, no action shall be taken on the basis of the impugned notice for a period of one month from the date of communication of the said order to the Petitioners or their Architect, whichever is earlier;
- (f) If the Petitioners fail to make an application for regularization within the stipulated period of three weeks from today, the Mumbai Municipal Corporation is free to take action on the basis of the impugned notice;
- (g) All the questions on the Application for regularization are kept open;
- (h) The Petition is disposed of on above terms;

(G.S. PATEL, J)

(A.S. OKA, J)