

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3583 OF 2013

Indus Towers Limited and others

...PETITIONERS

versus

Municipal Corporation, Dhule
and others

...RESPONDENTS

.....
Mr. Sachin S. Deshmukh, Advocate for petitioners
Mr. S.P. Shah, Advocate for respondent No. 1
Mr. S.M. Ganachari, AGP for respondent No. 3
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 21st JUNE, 2016.

Order :-

1. Present petition is filed challenging notices dated 12-04-2013 (Exhibit-C) colly., whereby the petitioners are directed to remove the constructions. Said notices are issued having recourse to sections 52 and 53 of the Maharashtra Regional Town Planning Act, 1966 and Sections 260 and 478 of the Maharashtra Provincial Municipal Corporation Act, 1949.

2. We have heard learned counsel for petitioners and respondents.

3. We are not going into merits of the contentions of learned counsel for either of the parties as it is submitted that the petitioners/owners of the building have already applied for regularization of their constructions. According to Mr. Shah, learned counsel for respondent No. 1, there is nothing on record to show that one Mr. Dwarkadas Agrawal has applied for regularization of his construction.

4. Mr. Deshmukh, learned counsel for petitioners states that even Dwarkadas Agrawal has applied for regularization of his construction. If no

such application appears on the record of the Corporation, fresh application would be filed within one week from today.

5. Considering the fact that regularization applications of the petitioners are pending, it would be appropriate to direct the respondent - Corporation to take decision on said applications for regularization of construction. In the result, we pass the following order.

- (i) Respondent - Corporation shall consider the applications for regularization of the constructions filed by petitioners / owners on its own merits in accordance with law.
- (ii) Till decision is taken on said applications for regularization of constructions, the respondents - authorities shall not proceed further with any action under sections 52 and 53 of the Maharashtra Regional Town Planning Act, 1966 and 260 and 478 of the Maharashtra Provincial Municipal Corporation Act, 1949.
- (iii) Parties are entitled to represent themselves before the authority.
- (iv) All contentions of respective parties are kept open.

6. With aforesaid directions, writ petition stands disposed of. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]