

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.2036 OF 2013

Shri Eknath Ramchandra Madhavi. .. Petitioner

Vs

City and Industrial Development Corporation  
and Others. .. Respondents

—

Shri Sandesh D. Patil for the Petitioner.

None for the first Respondent.

Shri Ramakant Patil i/b Shri Sandeep V. Marne for the Respondent  
No.4.

Shri V.P. Malvankar, AGP “A” Panel for the Respondent No.5.

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CORAM : A.S. OKA & C.V. BHADANG, JJ

DATED : 25TH JANUARY 2016

P.C.

1. Heard the learned counsel appearing for the Petitioner, the learned counsel appearing for the fourth Respondent and the learned AGP for the fifth Respondent. None appears for the first Respondent.

2. Perused the order dated 11<sup>th</sup> January 2016 which shows that according to the statement made by the fourth Respondent Navi Mumbai Municipal Corporation, the structure subject matter of this Petition has not been demolished. The learned counsel appearing for the Petitioner on instructions states that the Application for regularization made by the Petitioner on 14<sup>th</sup> August 2012 (Exhibit-G o

the Petition) is still pending as the order passed on the said Application has not been communicated to the Petitioner. Under the order dated 11<sup>th</sup> January 2016, the first Respondent to whom the said Application was made was directed to make a statement regarding status of the said Application. However, none appears for the first Respondent. By accepting the statement of the Petitioner, which is recorded above, we dispose of the Petition by passing the following order.

ORDER :

- (a) We direct the Petitioner to appear before the Chief Controller of unauthorized construction of the first Respondent on 22<sup>nd</sup> February 2016 at 11.00 a.m. The Petitioner shall produce a true copy of the Application for regularization as well as an authenticated copy of this order before the said officer;
- (b) If the Application dated 14<sup>th</sup> August 2012 (Exhibit-G to the Petition) is already disposed of, the order passed on the said Application be served to the Petitioner within a period of two weeks from 22<sup>nd</sup> February 2016;

- (c) If the said Application is still pending, the same shall be decided as expeditiously as possible and in any event within a period of three months from today;
- (d) The order passed on the Application for regularization shall be communicated to the Petitioner by the first Respondent;
- (e) Till the date of service of the copy of the order passed on the said Application for regularization to the Petitioner, the ad-interim relief which is operative till today shall continue to operate;
- (f) If the order passed on the Application for regularization be adverse to the Petitioner, the ad-interim relief will continue to operate for a period of one month from the date on which the order is communicated to the Petitioner;
- (g) We make it clear that we have not made any

adjudication on merits of the Application for regularization;

(h) All contentions on the merits of the Application for regularization are kept open;

(i) The Petition is disposed of on above terms;

(C.V. BHADANG, J)

( A.S. OKA, J )