

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
 PUBLIC INTEREST LITIGATION NO.56 OF 2010

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Jagdish Vasant Patil	...	...Petitioner
v/s.		
State of Maharashtra & ors.	...	...Respondents

Mr.Ashok M.Sarogi for the Petitioner.
 Mr.Manish Pabale, AGP for the State-Respondent No.1.
 Mr.S.A.Sawant for the Respondents Nos.2,3 and 4.

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CORAM : A.S.OKA &
A.A. SAYED, JJ.
DATED : 4 OCTOBER 2016

P.C.:

Affidavit tendered by the second, third and fourth Respondents, affirmed today, is taken on record and marked "X" for identification. In view of what is stated in the Affidavit, it is crystal clear that the construction of the alleged Welfare Centre was made by the said Respondents without obtaining permission of the Planning Authority under the Maharashtra Regional and Town Planning Act, 1966. We accept the statements in the Affidavit as undertakings of the second, third and fourth Respondents.

2. Learned Counsel appearing for the Petitioner states that the Application for regularization cannot be granted, unless the permission of the Central Government is obtained. He invited our attention to the letter dated 12 July 2006 addressed by the Additional Collector to the second, third and fourth Respondents.

3. It is needless to add that the Authority which deals with the Application for regularization which may be made by the second to forth respondents will have to take into consideration the contents of the said letter dated 12 July 2006.

4. Learned Counsel appearing for the second, third and fourth Respondents states that an Application for regularization will be made by them to the concerned Planning Authority under the Maharashtra Regional and Town Planning Act, 1966 within a period of four weeks from today. We accept the said statement.

5. Learned Counsel appearing for the second, third and fourth Respondents submits that there are large number of other illegal structures including the structure erected by the Petitioner.

6. In view of the undertaking of the second, third and fourth Respondents and in view of their acceptance of the fact that the construction of the Welfare Centre has been carried out without obtaining permission of the Planning Authority under the Maharashtra Regional and Town Planning Act, 1966 we need not keep the present Petition pending and we dispose of the same.

7. If an Application for regularization is made by the second, third and

fourth Respondents to the appropriate Planning Authority under the Maharashtra Regional and Town Planning Act, 1966 within a period of one month from today, the same shall be decided in accordance with law within a period of 60 days from the date of filing of the said Application. The order on the regularization Application be communicated to the second, third and fourth Respondents or their Architect. If the Application for regularization is made within one month, till the date of communication of the order passed on the said Application, the action of demolition of the structure of the second, third and fourth Respondents shall not be taken. If the said order be adverse to the said Respondents, the action of demolition shall not be taken for a period of four weeks from the date of communication of the adverse order to one of the second to fourth respondents or their Architect, whichever is earlier.

8. On the failure of the second, third and fourth Respondents to make an Application for regularization as aforesaid, on expiry of period of one month from today, the District Collector shall take action of demolition of the structure of the second, third and fourth Respondents. We direct the District Collector, Palghar to appoint appropriate officer to look into the allegations whether any structure erected by the Petitioner is illegal. Needless to add that if any structure of the Petitioner is found to be illegal,

an action for demolition shall be initiated in accordance with law.

9. All contentions of parties on merits as the regularization application are kept open.

(A.A. SAYED, J.)

(A.S.OKA, J.)