

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4333 OF 2015

Dinesh Shankar Mhatre

..Petitioner

v/s.

City & Industrial Development
Corporation & Ors.

..Respondents

Mr. R.D.Soni/w. S.N.Gawade i/b. Shree & Co. for the Petitioner.
Mr.A.M.Kulkarni for the Respondent Nos.1 and 2.
Mrs.M.P.Thakur, AGP for the State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : SEPTEMBER 19, 2016.**

P.C.

1. Mr. Soni, the learned counsel for the petitioner, at the outset seeks leave to amend the petition so as to correct the date of the representation. Leave granted. Necessary amendment to be carried out forthwith.

2. Mr. Soni, learned Counsel for the petitioner makes a statement that the petitioner is restricting the petition to the relief claimed in prayer clause (b). Statement accepted.

3. By the said prayer, the petitioner has sought direction to the respondent nos.1 and 2 to consider his representation dated 23.4.2015 for regularization of the structure, subject matter of the petition under Section 53(3) of the MRTP Act and dispose of the same on merits after giving an opportunity of hearing to the petitioner.

4. Mr. Kulkarni, learned Counsel for the respondent nos.1 and 2, upon instructions, makes a statement that the petitioner's representation shall be disposed of in accordance with law.

5. In the above circumstances, we deem it convenient to dispose of this petition by directing the respondent no. 2 to decide the petitioner's representation dated 23.4.2015 on the following terms and conditions:

- i) The application for regularization made by the petitioner shall be decided by the second respondent within a period of six weeks from today.
- ii) The order passed on the application be communicated to the petitioner.
- iii) Till the date of the communication of the order, no further steps

shall be taken by the petitioner on the basis of notice dated 17.4.2015 (Exhibit B to the petition) subject to the condition of the petitioner maintaining status quo as of today in respect of the structures, subject matter of the said notice;

iv) If the order passed on the application for regularization be adverse to the petitioner, the aforesaid protection shall continue for a period of one month from the date on which the order is communicated to the petitioner;

v) All contentions on merits of the application for regularization are kept open;

vi) In the event the petitioner's application for regularization, as well as the appeal if any under Section 47 of the MRTP Act is dismissed, the petitioner shall remove the offending structure at his own costs;

vii) The petition is disposed of on above terms;

viii) All concerned to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)