

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6736 OF 2016

Gurukul Grand Union School. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Ms. Lata Patne i/b Vinod Joshi for the Petitioner.

Mr. P. G. Sawant, learned AGP for the State.

Mr. A. S. Rao for Respondent No. 3.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 22, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this petition, the Petitioner is challenging the notice issued by the Assistant Town Planner of Ambarnath Nagar Parishad. By the said notice issued under sections 51 to 55 of the MRTP Act and section 189(8) of the Maharashtra Municipal Councils Act, the Petitioner is directed to remove the offending structures admeasuring 2461.50 sq. mtrs. [1 to 6 floors].

2. The learned Counsel appearing for Respondent No.3 pointed out that permission was granted to the Petitioner to construct ground floor only, however, in contravention of this permission, the Petitioner has constructed a six storeyed building. Mr. Rao also submitted that N.A.permission granted in respect of the land in question is already cancelled and the said

land is reserved for forest.

3. Learned Counsel appearing for the Petitioner submitted that on 31st October 2015 / 2nd November 2015 the Petitioners have filed an application for regularisation of the structure in question and the same is not yet decided.

4. Mr. Rao invited our attention to Exhibit-T [page No. 175] and pointed out that the Petitioners have not complied with the deficiencies mentioned in the said letter dated 22nd April 2016 and therefore their application could not be decided. Learned Counsel appearing for the Petitioner submitted that deficiencies pointed out in the said letter would be complied with within a period of three weeks from today. Statement is accepted. In the above circumstances, we deem it convenient to dispose of this writ petition by directing Respondent No.3 to decide the said application for regularisation of the Petitioner's offending structure within eight weeks from today. Ordered accordingly.

5. It is made clear that this Court has not gone into merits of the matter and Respondent No.3 shall decide the Petitioner's application for regularisation independently on its own merits and in accordance with law. All points and contentions of the respective parties are kept open.

6. During the pendency of the Petitioner's application for

regularisation, the parties shall maintain status quo regarding the offending structure and in the event of rejection of Petitioner's said application, the status quo would continue further for the period of two weeks from the date of service of communication of such decision on the Petitioner.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]