

3. Mr. Kulkarni, under instructions from the Officer, makes a statement that the Petitioner has already filed application for regularisation, which was considered under section 45 of the M.R.T.P. Act. He further submits that this application is rejected. He hands over the copy of the order dated 7/6/2016.

4. Mr. Sawant, the learned counsel for the Petitioner submits that this order was not served on the Petitioner. In this regard Mr. Kulkarni, the learned counsel for Respondent Nos.2 and 3 submits that the order is sent by R.P.A.D. to the Petitioner and it is possible that he might not have received it.

5. Since the Petitioner has already preferred an application for regularisation of construction and said application is decided by Respondent No.2 by order dated 7/6/2016, we are not inclined to interfere in the petition.

6. However, the fact remains the Petitioner is entitled to challenge the said order dated 7/6/2016 by filing an appeal before the State Government under section 47 of the M.R.T.P. Act. In the circumstances, we pass the following order:

(i) The Petition is dismissed. However, the Petitioner is at liberty to

file a statutory appeal under section 47 of the M.R.T.P. Act challenging the said order dated 7.6.2016 passed by Respondent No.2.

(ii) In the event such an appeal is filed within two weeks from today, the Respondent No.2 shall decide the same within three months from the date of filing thereof.

(iii) During the pendency and final disposal of the said appeal the Respondent Nos.2 and 3 shall maintain status quo regarding the offending structure.

(iv) In the event the appeal order is adversed against the Petitioner's interest, the impugned notice shall not be given effect for a period of two weeks from the communication of the adverse order to the Petitioner.

(v) It is expressly made clear that all the contentions of the respective parties are kept open to be agitated before the appellate authority and the appeal shall be decided on its own merits.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)