

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6729 OF 2016

M/s. T.R. Bahri & Sons.

...Petitioner.

Versus

1. Navi Mumbai Mahanagarpalika &
Ors.

...Respondents

...

Mr. A.Y. Sakhare, Senior Advocate with Mr. Mani Thevar i/b. M/s.
Mahesh Menon & Co. for the Petitioner.

Mr. S.V. Marne for Respondent No.1.

Mr. P.G. Sawant, A.G.P for Respondent No.3-State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 17th JUNE, 2016.

P. C. :

Not on board. Taken on board on being mentioned on the
ground of urgency.

2. Heard Mr. A.Y. Sakhare, learned senior counsel appearing
for the Petitioner, Mr. S.V. Marne, the learned counsel appearing for the
Respondent No.1-Municipal Corporation and Mr. P.G. Sawant, A.G.P for
the Respondent No.3-State.

3. By this petition, the Petitioner is challenging the notice
issued by the Respondent No.1-Corporation dated 15.6.2016 under

section 53(1) of the M.R.T.P. Act.

4. Mr. Sakhare, the learned senior counsel submits that initially in the year 2010 notice was issued by Respondent No.1-Corporation to the Petitioner and thereafter in the year 2012 they made application for regularisation of the offending structure. He contends that the Petitioner made application for regularisation on 6.9.2011, copy of which is annexed at Exh.'F'. He has submitted that thereafter two reminders were given to Respondent No.1-Corporation to decide his regularisation application viz. 17.10.2012 and 15.2.2016. Despite this Petitioner's representation for regularisation is not decided and the impugned notice was issued.

5. Mr. Marne, the learned counsel for the Respondent No.1-corporation states that the regularisation application is not filed by the Petitioner within the stipulated period under Sub Section 3 of Section 53 of the M.R.T.P. Act. However, on instructions, he submits that the Petitioner would decide the said application on its own merit within a period of two weeks from today.

6. The fact that the Petitioner applied for regularisation would show that it has accepted that the offending structure is illegal. We

therefore, dispose of the petition by directing the Respondent No.1-Corporation to decide the application dated 6.9.2011, copy of which is annexed at Exh. "F", as expeditiously as possible and in any case within two weeks from the date of receipt of this order. Till the decision on the Petitioner's application, the Respondent No.1-Corporation shall maintain status-quo regarding the offending structure mentioned in the impugned notice.

7. In the event any order adverse to the interest of the Petitioner, same shall not take effect for a period of one week from the date of its service on the Petitioner.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)