

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8578 OF 2016**

Cogent Enterprises Ltd. Company
versus
Lonavala Municipal Council and ors.

....Petitioner
...Respondents

Mr. Atul Damle, senior counsel with Mr. S. C. Wakankar and Mr. Somnath Gaikwad, advocate for the petitioner.
Mr. A. A. Garge, advocate for respondents.

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

DATE : 26th JULY, 2016.

P. C. :

Heard Mr. Damle, learned counsel for the petitioner and Mr. Garge, learned counsel for respondents.

2. By this petition, the petitioner is challenging a notice dated 18th April, 2016, issued by respondents under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (for short "the MRTP Act"). Mr. Damle, learned senior counsel makes a statement that the petitioner has filed an application for regularization under Section 53(3) of the MRTP Act. Mr. Gadre, learned counsel for the respondents, however, submits that the petitioner's application under Section 53(3) is already rejected on 9th June, 2016. He has produced the order of rejection for our perusal. Perusal of the same discloses that the petitioner's application under Section 53(3) is rejected on two grounds

viz.a copy of the measurement plan of 12 meters road is not submitted and the original copy of the survey measurement is not annexed along with the proposal.

3. Mr. Damle, learned senior counsel states that the petitioner will remove the objections and submit a fresh application under Section 53(3) of the MRTP Act along with required annexures within a period of two weeks from today. Mr. Garge, learned counsel for the respondents, on instructions of Mr. Sujeet B. Pansare, Assistant Town Planner- Grade I, Lonavala Municipal Council, who is present before the Court, makes a statement that, in the event, the said application is filed within the stipulated time, the respondents shall decide the same in accordance with law as expeditiously as possible and preferably within a period of three months from the date of filing of such application. The statement is accepted.

4. In the above circumstances, Mr. Damle, learned senior counsel seeks leave to withdraw the petition. Leave as prayed for, is granted. The writ petition is disposed of as withdrawn.

5. In the interests of justice, during the pendency and till the disposal of the petitioner's application for regularization, both the parties to the petition shall maintain status-quo as of today regarding the offending structure which is the subject matter of the notice under challenge.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]