

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10575 OF 2016

Shri Ashok Ganpat ShindePetitioner
versus
The State of Maharashtra through the
Hon'ble Minister for Urban Development and
Town Planning Dept., Mantralaya, Mumbai
and ors. ...Respondents

and
WRIT PETITION NO. 10582 OF 2016

Shri Jayram Sitaram PawarPetitioner
versus
The State of Maharashtra through the
Hon'ble Minister for Urban Development and
Town Planning Dept., Mantralaya, Mumbai
and ors. ...Respondents

Mr. Rajesh S. Datar i/b. Mr. Dushyant S. Pagare, advocate for the petitioners.
Mrs. M. P. Thaur, AGP for the State.
Mr. Sarthak Diwan i/b. Mr. A. M. Kulkarni, advocate for respondent No.2.
Mr. Ajay S. Patil, advocate for respondent No.3.
Mr. Amol P. Mhatre, advocate for respondent Nos. 4 to 6, 10, 16 and 17 in writ petition No. 10575 of 2016 and respondent Nos. 4 to 8, 13 and 18 in writ petition No.10582 of 2016.

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

DATE : 28th SEPTEMBER, 2016.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

2. The short grievance made by the petitioner in these petitions is that the appeals filed by them on 29th August, 2016 under Section 47 of the Maharashtra Regional and Town Planning Act, 1966 challenging the orders dated 11th August, 2016 passed by respondent No.2-CIDCO rejecting their applications for regularization under Section 53(3) of the said Act are still not disposed of by respondent No.1.

3. Mrs. Thakur, learned AGP having taken instructions from Mr. Kishore Girolla, Under Secretary, Urban Development Department, who is present before the Court, makes a statement that the said appeals would be disposed of within a period of twelve weeks from the date of appearance of the parties before the State Minister. Both Mr. Datar and Mr. Mhatre, learned counsel appearing for the respective parties, make a statement that a date may be fixed for appearing before the State Minister, so as to enable the parties to appear through their advocates. This statement is also not opposed by learned AGP.

4. In the above circumstances, we dispose of these petitions by passing the following order :

1. The State Minister (Urban Development) is directed to decide the appeals filed by the petitioners challenging the orders dated 11th August, 2016 passed by respondent No.2-CIDCO rejecting their applications for regularization under

Section 53(3) of the said Act, copy of which is annexed at "Exhibit A" of the respective petition.

2. The petitioners as well as respondents shall appear before the State Minister (Urban Development) through their advocates on 17th October, 2016 at 11.00 a.m..The State Minister (Urban Development) is directed to fix the schedule for hearing of the appeals and decide the same as expeditiously as possible, and in any case, within a period of twelve weeks from the date of appearance of the parties before him.

3. It is made clear that we have not into the merits of the matters and all rights and contentions of the respective parties are kept expressly open.

4. The State Minister (Urban Development) shall decide the said appeals in accordance with law.

5. During the pendency and final disposal of the said appeals, both the parties shall maintain status-quo as of today regarding the offending structures.

6. In the event any order is passed adverse to the interest of the petitioners, the same shall not be implemented for a period of two weeks from the date of the communication of the same to them.

The petitions stand disposed of.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]