

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11064 OF 2016

Ajay Devram Sawant.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. A. P. Pawar for the Petitioner.

Mr. S. V. Marne for Respondent No. 2 to 4.

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

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

Date : **September 26, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this petition, the Petitioner is seeking direction to Respondent Nos.3 and 4 to decide his proposal / representation dated 9th September 2016 for regularisation of the unauthorised structure, which is the subject matter of the notice dated 1st February 2016.

2. Mr. Marne, the learned Counsel appearing for the Corporation submitted that the Petitioner has filed a suit challenging the notice dated 1st February 2016 issued under section 53A of the MRTP Act. Learned Counsel appearing for the Petitioner, on instructions, states that the said suit would be withdrawn. Statement is accepted as an undertaking to this Court.

3. We have perused the representation dated 9th September 2016. The representation is addressed to the Ward Officer, B Ward, Nerul. Mr. Marne submitted that regularisation application is

required to be made to the Town Planning Department and it has to be submitted through a licenced architect. And, since the Petitioner's proposal lacks both these requirements, it could not be considered.

4. Learned Counsel appearing for the Petitioner submitted that the Petitioner within a week from today will file a fresh representation / proposal through licenced architect for regularisation of the subject structure. The said proposal shall be submitted to the Competent Authority of the Corporation.

5. In the event such a proposal is filed by the Petitioner, the Competent Authority of the Respondent- corporation shall decide the same in accordance with law, as expeditiously as possible and at any rate within the period of eight weeks from the date of receipt thereof. It is clarified that this Court has not gone into merits of the matter.

6. During the pendency and till the disposal of the Petitioner's application for regularisation, both parties shall maintain status quo regarding the offending structure and in the event the order passed on such application are against the interests of the Petitioner, the same shall not be implemented for the period of two weeks from the date of communication thereof to the Petitioner.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]