

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13147 OF 2016

Himachal Pradesh Horticulture Produce
Marketing & Processing Corporation Limited .. Petitioner

Vs.

The State of Maharashtra and anr. .. Respondents

Mr.Anand Mishra i/b Mr.A.M. Saraogi, for the Petitioner.

Ms.R.A. Salunkhe, AGP for Respondent No.1 - State.

Mr.S.V. Marne, for Respondent No.2.

**CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.**

29th NOVEMBER, 2016

P.C. :

. The petitioner received a notice dated 08/11/2016 from Navi Mumbai Municipal Corporation for removal of subject structures erected in the open space with the help of wooden stick and plastic shed within 15 days. The petitioner filed an application to the Corporation dated 20/08/2016 which reads thus :

“Dear Sir,

We are lawful occupant of Plot No. 3/2 (Ghat No. 796 [part] situated at MAFCO APMC Yard, Sector 18, Navi Mumbai.

We say that, we have certain open area available in our said plot there we have erected sheds for packing fruits and vegetable.

Hence you are requested to kindly consider our annexed herewith a blue print of our Plot showing sheds already in existing (Shed No. 3, 4, 5 , 6) therein. You are requested to grant your official approval for these sheds considering total area (FSI) as may be available in respect of our said Plot.

Any other details if required in the above subject matter be please to inform us so that such details can be provided from our end.

Please to the needful at the earliest.”

2. Learned Counsel for the petitioner submits that the subject structures are not temporary structures, but they are sheds which are of permanent nature and it could be regularized. Learned Counsel for the Corporation submits that sheds erected with wooden sticks and plastic shed cannot be termed as a permanent structures which could be regularized.

3. However, in case appropriate application is filed in accordance with law, the Corporation would deal with the same and pass appropriate orders on that application.

4. Learned Counsel for the petitioner submits that appropriate application in accordance with rules framed in the

Maharashtra Regional and Town Planning Act, 1966 would be submitted to the Corporation for regularization of the subject structures.

5. We dispose of the Petition by directing the Corporation that in case such application is filed, the Corporation would deal with the same on its own merits and in accordance with law. Keeping all issues on merits open, Petition is disposed of. Status-quo as on today shall be maintained by the parties for a period of two weeks from today.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)