

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12424 OF 2015

Mr. Daud Shaikh and Others. .. Petitioners

Vs

CIDCO Ltd and Another. .. Respondents

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Shri Vijay R. Shinde for the Petitioners.

Shri B.B. Sharma for the Respondent No.1.

Shri Kunal Bhanage for the Respondent No.2.

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CORAM : A.S. OKA & C.V. BHADANG, JJ

DATED : 1st MARCH 2016

P.C.

1. Heard learned counsel appearing for the Petitioners and the learned counsel appearing for the first Respondent. We have also heard the learned counsel appearing for the second Respondent.

2. Perused the affidavit of Shri Pritamsingh Rajput, the Controller of Unauthorized Construction of the City and Industrial Development Corporation of Maharashtra Limited (CIDCO). The affidavit discloses that on the basis of the notices issued to the Petitioners on 25th January 2012 under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTTP Act”), the Petitioners made an Application for regularization.

The affidavit discloses that by a communication dated 16th February 2016, the Application for regularization made by the Petitioners has been rejected. Now the remedy of the Petitioners is to challenge the said communication dated 16th February 2016. The fact that the Petitioners have applied for regularization shows that they have accepted that their structures are unauthorized.

3. In view of the rejection of the proposal for regularization, we need not keep the Petition pending and we dispose of the Petition by passing the following order.

ORDER :

- (a) It will be open for the Petitioners to file appropriate proceedings in accordance with law for challenging the communication dated 16th February 2016;
- (b) To enable the Petitioners to do so, the ad-interim relief granted in terms of the order dated 20th January 2016 shall continue to operate for a period of eight weeks from today;
- (c) The proceedings which may be filed by the Petitioners will be decided by the concerned Authority without being influenced by the continuation of the ad-interim relief.
- (d) The Writ Petition is disposed of on above terms.