

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.463 OF 2016

Mr.Vivek Pandey for the Petitioner
Mr.A. Gokhale, AGP for the respondent No.1
Ms Geeta Joglekar for respondent Nos.2 to 4.

. Not on board. Taken on board.

1 Heard the learned counsel for the petitioner,
the learned counsel for the respondent Nos.2 to 4
and the learned AGP for the respondent No.1. The
challenge in this petition under Article 226 of the
Constitution of India is to the notice dated 11th
September 2015 under sub-section 1 of section 53 of
the Maharashtra Regional and Town Planning Act, 1966
(for short 'the MRTP Act'). The learned counsel for
the petitioner on instructions states that within a
period of two weeks from today, the petitioner will
apply for regularization. The learned counsel for
the Mumbai Municipal Corporation states that the
period provided under sub-section 3 of section 53 is
already over. Considering the nature of unauthorised
development alleged, permission deserves to be
granted to the petitioner to apply for

regularization.

2 Hence, we need not keep the petition pending and the same is disposed of by passing the following order:

- (I) It will be open for the petitioner to apply for regularization of the structure in question in a prescribed format through a licenced Architect within a period of two weeks from today;
- (II) If such application is made, the same shall be decided within a period of 60 days from the date on which the same is made;
- (III) The order passed on the application for regularization be communicated to the petitioner or to her licenced Architect;
- (IV) Till the date of communication of the order passed on the application for regularization to the petitioner or to her licensed Architect, whichever is earlier, no further steps shall be taken on the basis of the impugned notice;
- (V) If the order passed on the application for regularization be adverse to the petitioner, no further steps shall be taken on the basis of the impugned notice for a period of one month from the date on which the order is communicated to the petitioner or to her licensed Architect, whichever is earlier;
- (VI) On the failure of the petitioner to apply for regularization within two weeks from today, the Mumbai Municipal Corporation will be

entitled to take action on the basis of the
impugned notice;

(VII) All contentions on merits of the
application for regularization are kept open;

(VIII) Writ Petition is disposed of.

(C.V.BHADANG,J.)

(A.S.OKA,J.)