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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No. 3643 OF 2015

Dinesh Nayak	...	Petitioner
Vs.		
The Municipal Corpn. of Gr. Bombay and Anr.	...	Respondents

Mr. Nigel Quraishy for the Petitioner.

Ms. K. H. Mastakar, for the Respondents.

CORAM : V. M. KANADE, &
B. P. COLABAWALLA, JJ.

DATE : MARCH 14, 2016

PC.

. The Petitioner is aggrieved by an order passed by the Respondent – Corporation dated 30th January, 2016. By the said order, the Respondent Corporation has not accepted the explanation given by him to the show-cause notice issued by the Respondent – Corporation under Section 53 (1) of the Maharashtra Regional Town Planning Act, 1966 (for short the “MRTP Act”). The learned counsel appearing on behalf of the Petitioner submits that by virtue of the Circular dated

22nd December, 2015, the Petitioner has made an application for regularisation of the enclosure of the balcony. He submits that Petitioner is willing to make a fresh representation for regularisation of the said alteration, and the Respondent – Corporation may be directed to consider the said application, and till that time, Corporation may be directed not to demolish the said enclosure of the balcony. We, therefore, permit the Petitioner to make an application for regularisation of the alteration made by him in his flat. The said application be filed within six weeks. The Respondent – Corporation shall consider the said application of the Petitioner, on merits and in accordance with law, expeditiously, within a period of two weeks thereafter. During pendency of the said application of regularisation, the Respondents are restrained from taking any action under the notice dated 7.4.2015, which was issued under Section 53 (1) of the MRTP Act. It is made clear that in the event any adverse order is passed, this order of restraint will continue for a period of two weeks from the date of communication of its decision by the Respondent – Corporation to the Petitioner. Needless to state that in the event application for regularisation is not made by the Petitioner within the stipulated

period, the Respondent Corporation is at liberty act upon the impugned order dated 30th January, 2016. Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-

[B. P. COLABAWALLA, J.]

Vinayak Halemath

Sd/-

[V. M. KANADE, J.]