

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1593 OF 2012
(Shashikant Madhavrao Desale and another Vs. State of Maharashtra
and others)

WITH

WRIT PETITION NO.1616 OF 2012
(Dr.Hemantsingh @ Rajendra Mohansingh Rajput Vs. The State of
Maharashtra and others)

Mr.A.P.Bhandari and Mr.D.P.Palodkar, Advocate for the petitioners.
Mr.Y.G.Gujrathi, AGP for respondent No.1.
Mr.J.R.Shah, Advocate for respondent No.2.
Mr.A.S.Bajaj, Advocate for respondent No.3 in WP 1593/2012 and for
respondent No.4 in WP No.1616/2012.
Mr.S.B.Gastagar, Advocate for respondent No.4 in WP No.1593/2012
and for respondent No.5 in WP No.1616/2012.
Mr.A.R.Vaidya, Advocate for respondent No.3 in WP No.1616/2012.

(CORAM : RAVINDRA V. GHUGE AND
SUNIL K. KOTWAL, J.J.)

DATE : 05/12/2017

PER COURT :

1. These matters were heard for some time. Since Section 52-A was introduced as an amendment to the Maharashtra Regional Town Planning Act, 1966, the petitioners are agreeable to move a proper representation by following the due procedure inclusive of seeking the no objection of the CIDCO and the Aurangabad Municipal Corporation for considering their request for regularization of the construction, which is under objection.

2. Learned AGP places on record the Government Resolution issued by the State of Maharashtra through the Urban Development Department dated 07/10/2017 and contends that the notification dated 07/10/2017 has led to the finalization of the Maharashtra Town Planning (Compounded Structures) Rules, 2017. He, therefore submits that the proposals to be submitted by these petitioners by following the due procedure, would be considered as per the said Rules, especially Rule 9 and can be decided within the time frame.

3. Considering the above, both these petitions are disposed of with liberty to the petitioners as follows :-

[a] The petitioners shall move applications by following the due procedure, before the Appropriate Authorities for seeking appropriate orders for regularization of their structures under objections.

[b] The Competent Authorities shall consider the effect of Section 52-A and the Rules of 2017 while dealing with the applications of these petitioners and shall decide the said applications strictly in accordance with the provisions of the MRTP Act and 2007 Rules framed u/s 52-A, within a period of 6 months.

[c] Needless to state, the Corporation may publish an advertisement as is prescribed in the Act and Rule 9 for seeking applications from the General Public for regularization/compounding

of structures under objections and in the event of any persons, inclusive of these petitioners, making such applications, all the cases shall be considered in accordance with the Act and the Rules, on their own merits.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)