

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**WRIT PETITION NO. 161 OF 2017**

Mr.Jagdamba Somai Yadav and ors. .. Petitioners

Vs.

Vasai-Virar Municipal Corporation and ors. .. Respondents

Mr.Makarand Bakore, for the Petitioners.

Ms.Swati Sagvekar, for Respondents No.1 & 2.

Ms.M.P. Thakur, AGP for Respondent No. 3 - State.

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

**09<sup>th</sup> JANUARY, 2017**

**P.C. :**

. The petitioners challenge notice dated 14/07/2016 issued under Sections 52, 53, 54 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act').

2. Learned Counsel appearing for the petitioners submits that the petitioners had filed Regular Civil Suit No. 670 of 2015 seeking injunction against the respondent – Corporation. The application for injunction (Exhibit 5) came to

be rejected by an order dated 06/04/2016 passed by the 2<sup>nd</sup> Joint Civil Judge, Junior Division, Vasai. The petitioners preferred Misc. Civil Appeal No. 25 of 2016 which came to be dismissed by the judgment and order dated 06/12/2016 passed by the District Judge - 2 , Vasai. Learned Counsel submits that order of status-quo was continued till 12/01/2017. Learned Counsel for the respondents states that Suit is still pending. Learned Counsel, on instructions, submits that the petitioners would file an application for regularization in accordance with the provisions of the MRTTP Act within 2 weeks from today.

3. We have heard learned Counsel appearing for the Corporation.

4. In the facts, we direct that in case within 2 weeks from today, the petitioners file application for regularization of the subject structure in accordance with MRTTP Act, the Corporation shall deal with the same in accordance with law and pass appropriate order on the same within 4 weeks

thereafter.

5. The Corporation authorities are entitled to hear the petitioners personally. The order shall be communicated to the petitioners. In case the order is adverse to the petitioners, the same shall not take effect for further period of 2 weeks from the date of service of order on the petitioners. Till the order is served on the petitioners, status-quo as of today, in respect of the subject structure shall be maintained by the Corporation.

6. It is clarified that we have not expressed any opinion on merits.

7. In view of the subsequent development and the order passed, the Suit may be withdrawn by the petitioners. Writ Petition is disposed of.

8. Parties to act upon authenticated copy of this order.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)