

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2142 OF 2017

M/s Rashmi Housing Pvt Ltd

Petitioner

Vs

Vasai Virar City Municipal
Corporation

.. Respondent

Mr. R.S.Apte , Senior Advocate, i/b Zohair H. Zaidy, Advocates
for Petitioner.

Mr.Atul Damle, Senior Advocate, a/w Ms. Swati Sagvekar,
Advocate for Respondent.

**CORAM : R.G.KETKAR,J.
DATE : 22/02/2017**

PC:

1. Heard Mr.R.S.Apte, learned senior counsel for the petitioner and Mr. Atul Damle, learned senior counsel for the respondent at length. Matter was heard at length on 17.2.2017 and was adjourned till today so as to enable learned counsel appearing for the parties to take suitable instructions.

2. Mr. Apte has tendered photocopy of communication dated 22.2.2017 which is taken on record and marked 'X' for identification. In pursuance of these written instructions, Mr. Apte states that (1) the petitioner/plaintiff will withdraw Regular Civil Suit No. 544 of 2016 within two weeks from today by producing authenticated copy of this order and, (2) the Petitioner will submit proposal for regularization to the respondent Corporation as per Section 44(1) of the Maharashtra Regional and

Town Planning Act, 1966 (for short, 'Act') read with Development Control Rules of the respondent-Corporation within four weeks from today.

3. Mr. Damle states that Shri Pramod Mukund Dalvi had instituted Writ Petition No. 896 of 2016 in this Court, inter alia praying for direction against the Corporation to take appropriate action in accordance with law for demolishing the entire construction carried out by the petitioner herein as also for initiating action as per sections 52,53 and 54 of the Act. He states that the Respondent-Corporation will invite objections/suggestions from Mr. Dalvi within one week from receipt of the proposal for regularization from the petitioner. He further states that within 60 days from receipt of the proposal for regularization, the respondent-Corporation will take appropriate decision in accordance with law on the proposal for regularization after considering objections/suggestions, if any, given by Mr. Dalvi.

4. He further states that it may be clarified that while taking decision, the respondent-Corporation need not give hearing either to the petitioner herein or Mr. Dalvi and will take decision in accordance with law. It is accordingly clarified that the respondent-Corporation will take decision in accordance with law on the proposal for regularization after considering the objections/suggestions, if any, received from Mr. Dalvi within 60

days from receipt of proposal for regularization.

5. The learned trial Judge will permit the petitioner to withdraw the Suit upon production of the authenticated copy of the order.

6. In case, the proposal for regularization is decided against the petitioner, no coercive steps shall be taken for a period of four weeks from the date of communication of the decision of the Corporation to the petitioner so as to enable the petitioner to challenge the said decision in accordance with law.

7. In the meantime, both parties shall maintain status-quo. All contentions of the parties on merits are expressly kept open. Petition stands disposed of.

(R.G.KETKAR, J.)