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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3872 OF 2017

Mr. Raj Mohammad Ismail Deshmukh

.. Petitioner

Versus

Asst. Estate Officer (Kharghar) CIDCO and ors.

.. Respondents

Mr. Sachin Dhakephalkar i/by Ramesh Tripathi for petitioner.

Ms. R. A. Salunkhe, AGP for State.

Mr. G. S. Hegde for respondent nos.1 and 2 – CIDCO.

CORAM: NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

APRIL 18, 2017.

P.C.

1. The petitioner submits that he did not receive any notice from the Corporation, but steps were taken to demolish the subject structure.

2. It is submitted that notice under Section 53(1) of the Maharashtra Regional Town Planning Act, 1966 (for short MRTP Act, 1966) was issued on 26/4/2016. It is also submitted that petitioner would submit a reply and contemplate filing an application under Section 53(3) of MRTP Act, 1966. The only difficulty expressed by the learned counsel is of the limitation prescribed for filing such an application under Section 53(3).

3. In view of the peculiar facts of the case and after considering the submissions advanced, we grant liberty to the petitioner to file reply and an application under Section 53(3) by condoning the delay in submitting such application. Both, reply and application must be filed within two weeks from today. On receipt of such reply and application, the Corporation would take appropriate decision on its own merits and communicate to the petitioner. All issues on merits are kept open. Till the appropriate decision is communicated by the Corporation, parties shall maintain the status quo in respect of the subject structure. If the decision is against the petitioner, the same shall not take effect for two weeks from the date of receipt of the said decision by the petitioner.

4. Needless to mention that respondent – Corporation would take necessary steps taking into consideration the letter and spirit of Section 53(3).

5. With the aforesaid directions, petition stands disposed of.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(NARESH H. PATIL,J.)