

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2275 OF 2013**

Geeta Anil Gathani ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 2276 OF 2013**

Kishan Hemani ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 2277 OF 2013**

K.R.Hari ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 2278 OF 2013**

Purvi Vikram Chauhan ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

WITH
WRIT PETITION NO. 2279 OF 2013

J.B.Ghia & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

WITH
WRIT PETITION NO. 2460 OF 2013

Gladys Rego

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Niranjan Mundargi a/w. Mr. Anand Pai and Mr. A.K.Gopalan i/b.
Haresh Mehta for the Petitioner in all writ petitions.

Mr. K.V.Saste, APP for the Respondent No.1 in all writ petitions.

Mr. Kunal Waghmare for the Respondent No.2 in all writ petitions.

CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 20TH MARCH, 2017

P.C.

1. Rule. The learned Counsel appearing for the second Respondent waives service. The learned Counsel appearing for the first Respondent waives service. Forthwith taken up for final disposal.

2. The facts of these petitions are more or less similar. The prayer in these petitions under Section 482 of the Code of Criminal Procedure, 1973 is for quashing the First Information Reports registered for the offence punishable under Section 53 of the Maharashtra Regional Town Planning Act, 1966 (for short “MRTP Act”).

3. Under Section (1) of Section 143 of the Maharashtra Regional Town Planning Act, the Planning Authority or any person authorized on this behalf by a General or Special Order of the Planning Authority is empowered to compound any offence made punishable under the MRTP Act or Rules framed thereunder. Orders have been made by the Deputy Commissioner (Zone 6) of the second Respondent- the Mumbai Municipal Corporation authorizing compounding of the offences subject matter of these petitions, subject to payment of amounts as specified in the said Orders. Exhibit X is a copy of receipt issued by the second Respondent Municipal Corporation on payment of the amount by the petitioners as set out in the Order under Section 143 (I) of the MRTP Act, dated 26th September, 2013.

4. The learned Counsel appearing for the second Respondent- the Mumbai Municipal Corporation which is the Planning Authority, within the meaning of MRTP Act, on instructions accepts that the Deputy Municipal Commissioner (Zone 6) has been authorized under sub-section (1) of Section 143 of the MRTP Act and that he has exercised the said power by passing the Order dated 26th April, 2013.

5. In criminal applications there are similar orders issued under Section 143 (1) of the MRTP Act and receipts of the payment as demanded under the said order have been annexed. Therefore, in view of the Order under sub section (1) of Section 143 of the MRTP Act, the applications will have to be allowed in terms of prayer clause (b) thereof,

6. Accordingly, we pass the following order:

I) In Writ Petition No. 2275 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.52 of 2011 registered with Pant Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

ii) In Writ Petition No.2276 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.56 of 2011 registered with Pant Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

iii) In Writ Petition No.2277 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.55 of 2011 registered with Pant Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

iv) In Writ Petition No. 2278 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.50 of 2011 registered with Pant

Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

v) In Writ Petition No.2279 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.9 of 2013 registered with Pant Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

vi) In Writ Petition No. 2460 of 2013, Rule is made absolute in terms of prayer (b) which reads thus:

“This Honourable Court be pleased to quash and set aside the F.I.R. bearing LAC No.57 of 2011 registered with Pant Nagar Police Station, of the MRTP Act, 1966, against the present Petitioner.”

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)