

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO. 31743 OF 2016

Mr.Goma Janu Patil and ors. .. Petitioners

Vs.

The Commissioner of Municipal
Panvel, Panvel Municipal Corporation and ors... Respondents

Mr.Vagish Mishra a/w Ms.Ritika Gupta i/b Law Counsellors, for
the Petitioners.

Mr.S.S.Aaradhye, for Respondents.

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

13th JANUARY, 2017

P.C. :

. The petitioners are aggrieved by notice dated 14/10/2016 issued by Panvel Municipal Corporation under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (for 'MRTP Act'). The respondents filed affidavit-in-reply. In paragraph 5 of the reply, the respondents stated as under :

“Since the impugned notice dated 14.10.2016 issued by the Municipal Corporation to the petitioners was pursuant to the provisions of section 53(1) of MRTP Act, 1966, the petitioners could have approached the

respondents/Corporation pursuant to the provisions of Section 44 of the said Act. Since, the said alternate remedy is available to the petitioners, on this ground alone, the present Writ Petition should have been dismissed.”

2. Learned Counsel appearing for the petitioners submits that application/representation had already been submitted to the respondents – Corporation for regularization, but provisions of Section 44 of the MRTP Act are not specifically mentioned in the said representation. Learned Counsel for the petitioners submits that application/representation for regularization under Section 44 of the MRTP Act will be tendered to the Corporation within two weeks from today. In case, such application is tendered by the petitioners, we direct the Corporation to deal with the same in accordance with law on its own merits and take appropriate decision within four weeks from the receipt of the said application. The Corporation authorities would hear the petitioners personally. The Corporation shall pass a brief reasoned order and communicate the decision to the petitioners. Till the petitioners receive the decision, status-quo as on today shall be maintained by the parties for a period of six weeks. In

case, order received by the petitioners is adverse, status-quo shall be maintained for further period of one week from the date of receipt of the order. It is clarified that we have not expressed any opinion on merits. All issues are kept open.

3. With the aforesaid directions, Writ Petition is disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)