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

WRIT PETITION (ST) NO. 35102 OF 2016

Dhanaji Manik Patil

...Petitioner

Vs.

The Navi Mumbai Municipal Corporation

...Respondent

Mr. Sandeep Mishra for the Petitioner

Mr. S.V. Marne for the Respondent

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 9TH JANUARY, 2017

P.C. :

Learned Counsel appearing for the Petitioner submits that in spite of the status-quo order CIDCO had demolished some walls of the subject structure.

2. Prima facie we notice that the Petitioner is unable to place on record any permission of commencement or occupancy certificate issued by the Planning Authority in respect of the subject structure. The Petitioner challenges the notice dated 3rd December, 2016 issued by the Corporation under Section 54 of the Maharashtra Regional & Town Planning Act, 1966.

3. Learned Counsel appearing for the Petitioner submits that he would resort to appropriate procedure for seeking regularisation permission from the Corporation in accordance with law.

4. Learned Counsel appearing for the Corporation submits that the building was constructed by the Petitioner who is a Corporation employee. The act committed deserves to be dealt with all its seriousness and such unauthorised structure should be demolished.

5. Without expressing any opinion on the merits we observe that in case the Petitioner resorts to appropriate procedure as per Section 54 of the Maharashtra Regional & Town Planning Act, 1966 within two weeks from today then the Corporation shall deal with the same and pass appropriate order within further two weeks from the date of receipt of such application. The decision of the Corporation shall be communicated to the Petitioner.

6. Status-quo as on today shall be maintained. In case the decision is adverse to the Petitioner the order of status-quo shall

continue for further period of two weeks from the date of receipt of order by the Petitioner.

7. Order of status-quo shall be complied with by the CIDCO authorities too.

8. The Petitioner shall not create any third party interest in the said property, shall not develop the subject structure in any way and shall not put to use the subject structure till the decision is taken by the Corporation.

9. The Petition is disposed of with the above directions.

10. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)