

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION ST. NO.1828 OF 2017

Flags Hotels Pvt. Ltd.

.. Petitioner.

Vs

Municipal Corporation of Greater Mumbai
and Another.

.. Respondents

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Shri R.A. Thorat, Senior Counsel along with Shri A.M. Saraogi for the
Petitioner.

Ms.Geeta Joglekar, AGP for the Respondent No.1.

Shri Sukant Karmakar, AGP for the Respondent No.2.

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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 24TH JULY 2017

P.C.

1. On the basis of the notice under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the MRTP Act”), the Petitioner through its Architect applied for regularization on 9th March 2015. The Application was submitted online which was given File No.CHE/WSII/0622/P/342. Today, the learned counsel appearing for the Municipal Corporation has produced for perusal of the Court a document showing that the said proposal has been rejected. The reasons are available online. As regards the second proposal at Exhibit-S to the Petition, it was submitted by the Petitioner on 12th May 2015. It was not submitted online and, therefore, it was not necessary for the Municipal Corporation to consider the same.

Secondly, the said proposal was submitted when the proposal submitted by the Petitioner's Architect is already pending.

2. As the Petitioner has a remedy under Section 47 of the MRTP Act, now it is not necessary to entertain a challenge to the impugned notice dated 21st August 2014. As the Petitioner applied for regularization by taking recourse to Sub-section (3) of Section 53, the Petitioner has accepted the correctness and legality of the impugned notice.

3. Accordingly, the Writ Petition is rejected.

4. To enable the Petitioner to prefer an Appeal for challenging the order rejecting the Application for regularization, we direct that for a period of three months from today, the ad-interim relief granted on 10th July 2017 will continue to operate.

5. We make it clear that the Application for interim relief and the Appeal which may be preferred by the Petitioner will be considered on its own merits without being influenced by the continuation of the ad-interim relief granted on 10th July 2017.