

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2069 OF 2017

Mrs. Neelam Rajiv Kashyap ... Petitioner
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. A. M. Saraogi for the Petitioner.
Mr. Hemant Haryan, AGP for the Respondent No.1.
Ms. Pallavi Thakar for the Respondent No.1.

**CORAM : A.S.OKA &
SMT. VIBHA KANKANWADI, JJ.
DATE : 04th AUGUST, 2017**

P.C.:

. Not on board. Taken on Board.

2 Heard the learned Counsel appearing for the Petitioner, the
learned AGP for the first Respondent and the learned Counsel
appearing for the second Respondent.

3 Leave to amend. Amendment to be carried out within two weeks from today.

4 Undertaking of the Petitioner is tendered on record which is marked 'X' for identification. The undertaking shows that the Petitioner has accepted the correctness of the notice dated 24th July 2017 issued under Sub-Section 1 of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 and that he desires to apply for the

regularisation of the subject structure.

5 Accordingly, we dispose of the petition by passing the following order.

ORDER

- i) The Writ Petition is rejected;
- ii) It will be open for the Petitioner to apply for the regularisation in prescribed form and by prescribed mode through a licenced Architect. The application for regularisation shall be made within a period of three months from today;
- iii) Order passed on regularisation application shall be communicated to the Petitioner's Architect. Till the date of communication of the order to the Petitioner's Architect, any action on the basis of the impugned notice shall not be taken;
- iv) If the order be adverse to the petitioner, the action on the basis of the impugned notice shall not be taken for a period of four weeks from the date on which the order is communicated to the Petitioner's Architect;
- v) Undertaking of the Petitioner tendered on record and marked 'X' for identification is accepted;
- vi) On the failure on the Petitioner to apply the regularisation within a period of three months from today, the second Respondent is free to take action on the basis of the impugned notice.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)