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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 644 OF 2016

The Lodha Aria CHS Ltd.

.. Petitioner

Vs.

Municipal Corporation of Gr.
Mumbai and ors.

.. Respondents

Mr. A. Y. Sakhare, Senior Advocate a/w Joel Carlos for petitioner.

Mr. U. L. Upadhyay, Add. G.P. for State.

Mr. Janak Dwarkadas, Senior Advocate with Mr. Cyrus Ardeshir, Mr. Rahul Dwarkadas, Ms. Prachi Dhanani, Mr. Shyam Gopal i/by Veritas Legal for respondent no.5.

Ms. Pallavi Thakar for MCGM.

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

JANUARY 12, 2017.

P.C.

1. Learned Senior Counsel appearing for respondent no.5, on instructions, submits that instead of going into technicality as to whether the Corporation ought to have issued noticed under Section 53 (1) of the MRTP Act to respondent no.5 or to the petitioner, the respondent no.5 – developer would submit an application for regularization of the subject structures covered in the impugned notices issued by the Corporation under Section 53(1) of the MRTP Act within two weeks from today.

2. Learned Senior Counsel appearing for the petitioner submits that the Corporation would deal with the application filed by the respondent no.5 – developer on its own merits.

3. Learned counsel appearing for the Corporation, on instructions, submits that in case the respondent no.5 submits an application for regularization as per the statement made as above, the Corporation would deal with the issue on its own merits and in accordance with law and pass appropriate orders on the same within four weeks from the date of receipt of such an application.

4. Till the Corporation takes a decision and communicates to the respondent no.5 and petitioner, the status quo as on today, shall be maintained. In case of adverse order, the status quo shall be maintained for one week more from the date of receipt of the said order by the respondent no.5 and the petitioner. It is clarified that we have not expressed any opinion on the issues raised in the petition.

5. Petition is disposed of accordingly.

(M. S. KARNIK, J.)

(NARESH H. PATIL)