

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

WRIT PETITION NO.8809 OF 2015

International Shree Krishna
Consciousness Trust (ISKON)
through its trustees

Brajprem Das alias Vasudev S. Rajai

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Swapnil Ambure with Mr. Mikhail Dey i/b. Mr. Dinesh Tiwari and
Associates for the Petitioner.

Mr. P.G. Sawant, AGP for the Respondent -State.

Mr. Milind Prabhune i/b. Mr. S.S. Aradhye for the Respondent No.2.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 13th FEBRUARY, 2018.

P.C.:-

By this petition, the Petitioner is challenging the notice issued by the Respondent No.2-Pandharpur Municipal Council, District-Solapur, under Section 53(1) of the Maharashtra Regional Town Planning Act, 1966.

2. The learned counsel for the Petitioner submits that the construction in question was constructed only after permission of the Gram Panchayat of village -Shegaon Dumala and subsequently this

area i.e. village Panchayat came within the limits of Pandharpur Municipal Corporation. The contention is supported by the affidavit filed by the Chief Officer of the Respondent No.2.

3. Long before the issuance of the impugned notice the Petitioner on 24th May, 2012 had filed an application for regularisation and the same was pending before the Respondent No.2 at the time of issuance of notice under Section 53(1) of the M.R.T.P. Act. The submission of the learned counsel for the Petitioner is that impugned notice came to be issued in view of the general directions issued by the High Court in a Public Interest Litigation.

4. Be that as it may, the Petitioner submits that he thereafter filed revised representation for regularisation of the subject structure on 17.8.2015 and this application is also pending.

5. In the light of above, we deem it convenient to dispose of this Petition by directing the Respondent No.2 to decide the Petitioner's representation /application afresh for regularisation of the subject construction as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of copy of this order. Needless to

mention that the Petitioner shall comply with all the documents.
Ordered accordingly.

6. It is made clear that we have not gone into the merit of the respective claims and the Respondent No.2 shall decide the said application independently on its own merits and in accordance with law.

7. Till the decision of the Respondent No.2 on the said representation, the interim order granted by this Court on 1.9.2015 shall remain in operation. In the event, order on the said representation is adverse to the Petitioner's interest, the interim order shall continue to remain in operation for a period of four weeks from the date of the said order.

8. The Petition stands disposed of .

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)