

Sharayu Khot.

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

WRIT PETITION NO. 1004 OF 2014

Pandurang Dattu Kokate ...Petitioner

Versus

**Pune Municipal Corporation Through ...Respondents
Municipal Commissioner And Ors.**

WITH

WRIT PETITION NO. 1005 OF 2014

Nivrutti Dattu Kokate ...Petitioner

Versus

**Pune Municipal Corporation Through ...Respondents
Municipal Commissioner And Ors.**

WITH

WRIT PETITION NO. 1006 OF 2014

Kaluram Baban Kokate ...Petitioner

Versus

**Pune Municipal Corporation Through ...Respondents
Municipal Commissioner And Ors.**

WITH

WRIT PETITION NO. 1007 OF 2014

Amol Dnyaneshwar Kokate

...Petitioner

Versus

**Pune Municipal Corporation Through
Municipal Commissioner And Ors.**

...Respondents

WITH

WRIT PETITION NO. 1011 OF 2014

Shashikant Parvatrao Karad

...Petitioner

Versus

**Pune Municipal Corporation Through
Municipal Commissioner And Ors.**

...Respondents

Mr. Shriram S. Kulkarni i/by Mr. Chaitanya Nikte, for the
Petitioner in all WPs.

Mr Abhijit Purushottam Kulkarni, for the Respondents No. 1 and
2 in all WPs.

Ms. R.A. Salunkhe, AGP, for the Respondent No. 3 in all WPs.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 9 April 2018

P.C. :

1. The learned Counsel appearing for the Petitioners in these Petitions on instructions states that the Petitioners propose to apply for regularization of the subject structures by invoking the provisions under Section 52A read with Sub-Section 3 of Section 53 of the Maharashtra Regional and Town Planning Act, 1966 to the 1st Respondent-Municipal Corporation. He submits as number of documents are required to be produced along with the Application for regularization, time of three months be granted to the Petitioners to make such Application.

2. Considering the peculiar facts and circumstances of the case and the nature of the structures subject matter of the impugned notices, we propose to grant a limited protection to the Petitioners. We may note here that the very fact that the Petitioners have made a statement that they will apply for regularization shows that they accepted that the structures subject matter of the impugned notices have been constructed

without obtaining permission of the Competent Planning Authority.

3. We dispose of the Petition by passing the following order:-

(i) We accept the statement of the learned Counsel appearing for the Petitioners made on instructions that within the period of three months from today, the Petitioners will make Applications for regularization as recorded above.;

(ii) Such Applications shall be made by the Petitioners in the prescribed form by prescribed mode through an Architect;

(iii) The Applications which may be made by the Petitioners shall be decided by the 1st Respondent as expeditiously as possible and in

any event, within the period of 60 days from the date of filing of the Applications;

- (iv) The orders passed on the Applications be communicated to the Petitioners' Architect. Till the date of communication of the orders to the Petitioners' Architect, the action of demolition on the basis of the impugned notices shall not be taken by the 1st Respondent;
- (v) If the Applications for regularization are rejected, the aforesaid protection will continue to operate for the period of four weeks from the date on which the orders are communicated to the Petitioners' Architect;
- (vi) We make it clear that on the failure of the Petitioners to apply for regularization within the stipulated period of three months, it will be

open for the 1st Respondent to take action of demolition on the basis of the impugned notices without serving any further notices to the Petitioners;

(vii) We have made no adjudication on the merits of the Applications for regularization proposed to be made by the Petitioners and all contentions are kept open;

(viii) The Writ Petitions are disposed of on the above terms.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]