

2. Paragraph 4 of the said affidavit in reply reads as under:

“4. I say that after service of the petition, this authority inspected the site and found that the construction activity has been carried out by the Respondent No. 1 without any authority of law and the same was carried out by the Respondent No. 1 without valid permission granted by Corporation. I say that after service of the said petition I deputed the officer of my Department to personally go and verify whether any unauthorised construction was going on or carried out at the site and it was noticed that the activity of unauthorised construction was going not in progress. However, certain construction work was already 6 carried out without there being any lawful authority from the Corporation, more particularly after issuing of notice under Section 54 under MRTP Act, 1966 which was issued on the 12th March, 2012. I say that taking into consideration that the structure was carried out without any valid permission granted by the Corporation and the construction so carried out was carried out illegally and being unauthorised, the notice has been issued to the Respondent No. 1 under Section 53 of the Maharashtra Regional Town Planning Act, 1966, on 18th February, 2016, which has been duly served upon the Respondent No. 1 on 20th February, 2016. Annexed hereto and marked as **Exhibit 'A'** is a true copy of the notice issued by the Corporation dated 18th February, 2016, which has been served upon the Respondent No. 1 on 20th day of February, 2016.”

3. In view of the said statement, if the noticee has not applied for regularisation within a period of one month from the date of service of notice dated 18th February, 2016, on action of demolition will have to be taken on the basis of said notice.

4. Therefore, in the light of statements made in paragraph 4 of the affidavit in reply, we need not keep the petition pending and the same is disposed of by passing the following order:

- (i) The appropriate officer of the second Respondent shall verify whether the noticee (first Respondent) has applied for regularisation of the subject structure of the notice dated 18th February, 2016 within a period of one month from the date of service of the said notice dated 18th February, 2016. If the structure is already regularised, there will not be any occasion to take action on the basis of the said notice;
- (ii) If it is found that application for regularisation is not made within one month from the date of service of the notice dated 18th February, 2016 or if application for regularisation is already rejected, the Municipal Corporation shall take action of demolition on the basis of the notice dated 18th February, 2016 as expeditiously as possible and in any event within a period of one month from the date on which this

order is uploaded;

- (iii) On an application being made by the concerned officer of the Municipal Corporation to the officer in-charge of the local police station, police assistance shall be provided to the officer of the Municipal Corporation for demolition of the subject structure;
- (iv) As notice through Court is not served on the first Respondent, we direct that an advance intimation of one week shall be served by the second Respondent on the first Respondent of the date fixed for demolition of the subject structure;
- (v) Writ petition is disposed of in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Sd/-
[A. S. OKA, J.]

Vinayak Halemth