

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3077 OF 2018

Shri Tilak Hansraj Sharma. ... Petitioner.

v/s.

The State of Maharashtra through
the Secretary & ors. ... Respondents.

Mr. Laxman Shivajirao Deshmukh, advocate for petitioner.

Mrs. M.P. Thakur, AGP for State.

Mr. S.R. Nargolkar, advocate for respondent No. 2.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MARCH 15, 2018.

P. C. :

1 Heard the learned Counsel for the petitioner and learned counsel for the respondent No. 2.

2 The Petition is filed challenging the notice issued by the respondent No. 2 Council under section 53(1) of the MRTPA Act. By the said notice, the petitioner was directed to demolish subject offending structure and if the same is not demolished, then the Council made it clear that it will be demolished in accordance with law.

3 Mr. Deshmukh, learned Counsel for the Petitioner submits that immediately after receipt of the impugned notice, he had filed application for regularisation of the offending structure. Mr. Nargolkar, learned Counsel for respondent No. 2 however submits that

regularisation application filed by the Petitioner is already rejected by the Chief Officer by his order dated 6/3/2018 and the order is already communicated to the Petitioner. He placed on record the said order dated 6/3/2018. Having perused the order, we find that the Petitioner has acknowledged the receipt of the same.

4 In the light of above, Mr. Deshmukh, learned Counsel for the Petitioner submits that the Petitioner would like to file an appeal against the order passed by the Chief Officer of the respondent No. 2 refusing to regularise the offending structure. However, he submits that limited protection to the said structure be given.

5 In the light of the above, present petition having become infructuous, we dispose of the same by granting liberty to Petitioner to challenge the order dated 6/3/2018 rejecting petitioner's application for regularisation by filing appropriate proceedings before appellate authority.

6 In order to enable the Petitioner to approach appropriate authority in this regard, both the parties i.e. Petitioner and respondent No. 2 shall maintain status quo as of today regarding the notice structure for a period of 4 weeks from today.

7 It is expressly made clear that this order should not be treated as an expression of any opinion on merits and the authority before whom, appropriate proceedings will be filed by the petitioner will consider the same independently on its own merits and in accordance with law.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]