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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3674 OF 2018

Rajesh Babu Mhatre ...Petitioner
vs.
Kalyan Dombivali Municipal
Corporation and others ...Respondents

Mr.Sagar Joshi i/b Mr.Akshay Deshpande for the
Petitioner
Mr.A.S.Rao for the respondents

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA, JJ.
DATE : MARCH 23, 2018

P.C.:

. Not on board. Taken on board.

1 Heard the learned counsel for the petitioner and the learned counsel for the respondents. The learned counsel for the petitioner states that the petitioner wants to apply for regularization of the structure subject matter of the notice dated 9th March 2018 issued under section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act'). He states that the premises subject matter of the impugned notice (12 shops and 12 rooms) were in existence by the end of October 2015.

2 As the petitioner has agreed to apply for regularization, he has accepted that the structure subject matter of the impugned notice is illegal.

3 In view of the statement made that the petitioner wants to apply for regularization, we dispose of the petition by passing the following order:

- (I) It will be open for the petitioner to apply for regularization in a prescribed form and by prescribed mode through an Architect to the first respondent within a period of one month from today;
- (II) If such application is made, the first respondent shall decide the same within maximum period of 60 days from the date of filing the same. The order passed on the said application be communicated to the petitioner's Architect. Till the date of communication of the order to the petitioner's Architect, the impugned notice dated 9th March 2018 shall not be acted upon subject to condition of the petitioner filing an undertaking in this Court that the petitioner will not carry out any further construction without obtaining permission and will not create third party interests or induct any third party;
- (III) If such undertaking is not filed within a period of three weeks from today, the protection granted as above shall stand vacated;
- (IV) In the event the order on application for regularization be adverse to the petitioner, the impugned notice shall not be acted upon for a period of three weeks from the date of

service of the order to the petitioner's Architect;

(V) We have made no adjudication on the merits of the application for regularization;

(VI) Needless to add that if application for regularization is not made within a period of one month from today, it will be open for the first respondent to take action in accordance with the impugned notice.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)