

psv

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

WRIT PETITION NO.5348 OF 2018

Sou.Vaishali Jitendra Tilak	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Ors.	...Respondents.

**WITH
WRIT PETITION NO.5361 OF 2018**

Anjali Dabke	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5364 OF 2018**

Asmita Jadhav	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5357 OF 2018**

Arvind Bapat	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5363 OF 2018**

Rajiv Dongre	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5360 OF 2018**

Jayashree Dongre	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5359 OF 2018**

Mangala Athalye	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5356 OF 2018**

Ramesh Shah	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5358 OF 2018**

Shashikant Dewan	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**WITH
WRIT PETITION NO.5362 OF 2018**

Datta Bhadale	...Petitioner
Vs.	
The Municipal Corporation for the city of Pune & Anr.	...Respondents.

**ALONGWITH
WRIT PETITION (ST.) NO.24164 OF 2018**

Ravindra Kale & Anr.	...Petitioner
Vs.	

The Municipal Corporation for the
city of Pune & Ors.

...Respondents.

Ms.Shruti Tulpule for Petitioner in all matters except WP(St.) No.24164/18.

Mr.A.P. Kulkarni for Respondent Nos.1 and 2 in all matters except WP(St.) No.24164/18.

Mr.S.M. Gorwadkar, Senior Advocate, i/b. Mr.N.A. Mogre for Respondent Nos.4 and 5 in all matters and for Petitioner in WP(St.) No.24164/18.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 29th AUGUST 2018

P.C.:

Writ Petition (Stamp) No.24164 of 2018 not on board, taken on board.

2. The petitioners have challenged the notice dated 12th April 2018 issued by the respondent No.2 under Section 260(2) of the Maharashtra Municipal Corporation Act, 1949. The petitioners have subsequently amended the petition and have challenged the rejection of the regularization application filed by the petitioners by communication dated 16th May 2018. The learned Counsel for the petitioner submits that out of the conditions, except condition No.7, the petitioner has complied with other conditions. Respondent No.4 is objecting and not co-operating to the petitioner. The building in question viz. Savali Apartment Condominium is registered under the Maharashtra Apartment Ownership Act, 1970. It is submitted that the flat owners can claim independent

rights in respect of their respective flats.

3. We have heard the learned Counsel appearing for the petitioners in all petitions and the learned Counsel appearing for the respondents.

4. In view of the material placed on record and the submissions advanced before us, we are of the opinion that the Corporation shall re-examine the issue which relates to balconies attached to the individual flats which according to the learned Counsel for the petitioners are enclosed since 1996-97. This statement is disputed by respondent No.4. The petitioners may file appropriate regularization application to re-consider the regularization of the subject-structure by the Corporation, within two weeks from today.

5. In the light of the above, we direct the Corporation to consider such application which would be made by the petitioners for regularization of the subject-structure. The respondent No.4 if so desires, may file his say/objection, if any, with the Corporation. After considering the entire material and if necessary hearing the necessary parties, the designated officer of the Corporation shall take a final view and pass reasoned order in accordance with law, on the application of the petitioners within four weeks of the submission of the applications.

6. In the meantime, till the applications are decided and orders

thereon are communicated by the Municipal Corporation, status-quo as of today be maintained.

7. The writ petitions are disposed of in the above terms. No costs.

Writ Petition (Stamp) No.24164 of 2018

1. The learned Senior Advocate Mr.S.M. Gorwadkar appearing for the petitioner submits that this petition too be disposed of in the light of the orders in the above batch of petitions and he shall also be permitted to file an application for regularization, which be filed within two weeks from today.

2. The learned Counsel appearing for Corporation submits that in case the Corporation receives an application for regularization from the petitioner, the same shall be dealt with alongwith the applications of the petitioners in the above batch of petitions and would be decided accordingly as per law.

3. In view of the above observations, the petition stands disposed of.

4. The Corporation shall complete the exercise as stated above, within four weeks.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE