

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5823 OF 2018

Madhukar Ambadas Aher and another. ... Petitioners.

V/s.

Deputy Director, Town Planning,
Nashik Municipal Corporation and others. ... Respondents.

Mr.Sujeet Deshmukh I/b. Ergo Juris for the petitioners.

Mr.Vaibhav P. Patankar for respondent Nos.1 and 2.

Ms.Nisha Mehra, AGP for respondent No.3.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 28th June 2018.

P.C.:

On the earlier date, a joint undertaking dated 13th June 2018 was filed by the petitioners in which they have stated that they have already applied for regularization of the structures subject matter of the petition to the second respondent- Municipal Corporation. The learned counsel appearing for the second respondent has placed on record a copy of the letter dated 28th June 2018 addressed to him by the Assistant Director, Town Planning Section of respondent No.2 enclosing therewith a copy of the letter dated 13th June 2018 addressed to the petitioners by which rejection of application of regularization has been communicated to them. The said letters are taken on record and marked "L-1 Collectively" for identification.

2. From the fact that the petitioners applied for regularization shows that they accepted that the structures subject matter of the impugned notice were unauthorized.

3. The substantive prayer in the petition is for directing the second respondent not to demolish the structures pending the decision of the regularization application. As the regularization application has been decided, the petition does not survive and, accordingly, the same is disposed of. However, remedy of the petitioners to challenge the order of rejection is kept open.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)