

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13675 OF 2017

Baburao Laxman Kad

...Petitioner

vs.

Pune Metropolitan Regional Development
Authority and Another

...Respondents

WITH

WRIT PETITION NO.13676 OF 2017

Mahadeo Laxman Kad

...Petitioner

vs.

Pune Metropolitan Regional Development
Authority and Another

...Respondents

Mr. S.M. Sabrad, for the Petitioners

Mr. N.P. Deshpande, for Respondent Nos. 1 and 2.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : SEPTEMBER 11, 2018

P.C.:

. By filing this Petition under Article 226 of the Constitution of India, the Petitioners are challenging the notice dated 30th November, 2017 issued by Respondent No. 1 under Section 53(1) of the M.R.T.P. Act, 1966.

2. On 12th December, 2017 while issuing notice to Respondents, this Court had granted ad-interim relief prayed for by the Petitioners as per clause (c) of the prayer clause.

3. Today when the matter came up for hearing, the learned counsel for Respondent Nos. 1 and 2 submits that in case the Petitioners make application seeking regularization of the alleged unauthorized construction, the Petitioners' application will be considered in accordance with Section 52A of the M.R.T.P Act. The learned counsel for Respondents has placed on record the communication dated 10th September, 2018 to that effect. The same is taken on record and marked as "X" and "X-1" for identification.

4. Having regard to the stand taken by Respondent Nos. 1 and 2, we dispose of these Petitions by granting liberty to the Petitioners to submit application as aforesaid under Section 52A of the M.R.T.P. Act within three weeks from today.

5. In case such application is submitted by the Petitioners within three weeks as aforesaid, the Competent Authority of the the Respondents shall consider the same and take appropriate decision on it in accordance with law keeping in view the provisions contained in Section 52A of the M.R.T.P. Act.

6. The decision as aforesaid be taken by the Competent Authority within two months from the date of receipt of such application.

7. Till the Petitioners' application is decided the interim order passed by this Court on 12th December, 2017 shall continue and two weeks thereafter.

8. With the aforesaid direction, both the Petitions are disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)