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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1425 OF 2018

Devinder Kaur Sokhi ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents

Ms. Yashoda Jondhale, i/b Jondhale & Co. for the Petitioner.
Mr. U.S. Upadhyay, AGP for Respondent – State.
Ms. K.H. Mastkar, for Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 3RD MAY, 2018.

PC:-

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the parties.
3. The learned counsel for the petitioner clarifies that this Court has not directed the petitioner to file an undertaking but he has filed undertaking on his own.
4. In the petition, the petitioner has placed reliance on section 52A of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act') and the Rules framed therein. He states that the petitioner wants to apply for regularization of the subject structure under the said provisions. The petitioner's undertaking is tendered and marked as 'U1' for identification in which he has

undertaken to remove unauthorized structure in the event the application for regularization is rejected.

5. In view of the undertaking and considering the facts of the case, we pass the following order:

a) It will be open for the petitioner to apply for regularization of the work/structure subject matter of the impugned order at Exhibit 'C' to the petition within a period of six weeks from today. The application shall be filed with the Municipal Corporation in a prescribed format and by a prescribed mode through an Architect;

b) If such application is filed within a period of six weeks from today, the same shall be decided within maximum period of 60 days from the date of filing of the said application;

c) The order passed on the application shall be communicated to the petitioner's Architect. Till the date of communication of the order passed on the application for regularization, no further steps shall be taken on the basis of the impugned order/notice at Exhibit 'C' to the petition;

d) If application for regularization is rejected, action shall not be taken on the basis of the notice at Exhibit 'C' for a period

of six weeks from the date on which the order is served to the petitioner's Architect to enable the petitioner to comply with his undertaking;

e) Undertaking of the petitioner dated 16th April 2018 tendered today is accepted and marked as 'U1' for identification;

f) If the work/structure is not removed as per the impugned order by the petitioner within a period of six weeks as aforesaid, it will be open for the Municipal Corporation to remove the same without any further notice to the petitioner;

g) All contentions on merits of the application for regularization are kept open;

h) Writ petition is disposed of on above terms.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)