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

WRIT PETITION (L)NO.1622 OF 2018

Kiran Deohans

...Petitioner

V/s.

State of Maharashtra & 2 Ors.

...Respondents

.....

Mr. Anand Jondhale i/b. Jondhale & Co. for the petitioner.

Ms. Shital Mane for respondent no.2.

.....

CORAM : A. K. MENON &

SMT. BHARATI H. DANGRE, JJ.

(VACATION COURT)

DATE : 11TH MAY, 2018

P.C.

1. Heard the learned counsel appearing for the petitioner and the learned counsel for respondent no.2.

2. In this petition, the petitioner seeks regularization pursuant to section 52-A of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act') and the Rules framed therein. The petitioner has filed a written undertaking along with the petition whereby he has undertaken to remove the alleged unauthorized structure in the event of his application for regularization being rejected.

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

- (i) Undertaking of the petitioner dated 4th May, 2018 is accepted.
- (ii) It will be open for the petitioner to apply for regularization of the structure forming subject matter of the impugned order dated 3rd January 2018 at Exhibit-A to the petition in the prescribed format and by the prescribed mode through an Architect within a period of six weeks from today. The application shall be filed with the Municipal Corporation.
- (ii) If such application is filed as aforesaid, the same shall be decided within a maximum period of 60 days from the date of filing of the said application;
- (iii) 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-A to the petition;
- (iv) If application for regularization is rejected, action shall not be taken on the basis of the notice at Exhibit- A for a period of four weeks from the date on which the order is served to the petitioner's Architect to enable the petitioner to comply with his undertaking;
- (v) If the structure is not removed as per the impugned order by the

petitioner within a period of four weeks as aforesaid, it will be open for the Municipal Corporation to remove the same without any further notice to the petitioner;

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

(viii) Writ petition is disposed of on above terms.

(SMT.BHARATI H.DANGRE, J.)

(A. K. MENON, J.)