

Jsn

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

WRIT PETITION (L) 2333 OF 2018

Pandit Bhaurao Ranadive ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents

Mr. A.S. Jondhale, I/b. Jondhale and Company for the Petitioner.
Mr.r S.B. Gore, AGP for Respondent – State.
Ms. K.H. Mastakar, for Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 20TH JULY, 2018.

PC:-

1. Not on board. Taken on board.
2. The undertaking of the Petitioner is taken on record and marked 'U-1' for identification.
3. Heard the learned counsel appearing for the Petitioner, the learned AGP for the Respondent No.1 and the learned counsel for the Respondent – BMC.
4. In the Petition, the Petitioner has placed reliance on Section 52-A 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 regularisation of the subject structure under the said provision. The Petitioner's undertaking is

Jitendra
Shankar
Nijasure
Digitally signed
by Jitendra
Shankar
Nijasure
Date:
2018.07.23
15:17:44 +0530

tendered in which he has undertaken to remove unauthorised structure in the event the application for regularisation is rejected.

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

(I) It will be open for the Petitioner to apply for regularisation of the work / structure subject matter of the impugned order at Exhibit – A 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;

(II) 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;

(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 regularisation, no further steps shall be taken on the basis of the impugned order / notice at Exhibit – D too the petition;

(IV) If application for regularisation is rejected, action shall not be taken on the basis of the notice at Exhibit -D 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;

(V) Undertaking of the Petitioner dated 16th April, 2018 tendered today is accepted and marked as 'U-1' for identification;

(VI) 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;

(VII) All contentions on merits of the application for regularisation are kept open;

((VIII) Writ Petition is disposed of on above terms.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)