

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 951 OF 2016

Anil Atmaram Batra

... Petitioner

Versus

The Pune Municipal Corporation and others

... Respondents

.....

Mr. S.S. Kulkarni instructed by Mr. Chaitanya Nikte for the Petitioners.

Mr. R.S. Khadakkar for Respondent No.1.

Ms. M.P. Thakur, AGP for Respondent No.3.

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CORAM : S.J. KATHAWALLA AND
B.P. COLABAWALLA, JJ.

DATED : NOVEMBER 11, 2019.

P.C. :-

1. By the above Writ Petition, the Petitioner seeks the following reliefs :-

(a) *That this Hon'ble Court be pleased to direct the Respondent No.2 society its agent/Office bearers, to grant appropriate NOC and/or permission to apply for regularization of the existing structure on the suit premises within time bound manner as this Hon'be Court thinks fit.*

(b) *That this Hon'ble Court be pleased to direct the Respondent No.1, its agent/Office bearers or anybody claiming through them to not to take any coercive steps in pursuance of the notice dated 25.03.2015 or undertaking dated 04.01.2016 till the time appropriate application for regularization of the existing structure is made to the Respondent No.1 Corporation and the same is disposed according to the due process of law.*

(c) That this Hon'ble Court be pleased to direct the Respondent No.1 Corporation to dispose the said application for regularization in time bound manner as this Hon'ble Court thinks fit."

2. By prayer clause (a), the Petitioner is seeking relief against a private party. The same therefore cannot be granted by this Court by exercising powers under Article 226 of the Constitution of India. The Petitioner is therefore granted liberty to take out appropriate proceedings against the Society seeking appropriate reliefs/ directions therein.

3. The Learned Advocate appearing for the Petitioner states that in the meantime his clients are desirous of submitting a regularization application without obtaining an NOC from the Society. It is clarified that if such an application is filed prior to issuance of NOC from the Society, the Corporation shall deal with the same in accordance with law. This order should not be construed to mean that the Corporation is directed to allow the regularization application filed by the Petitioner, without obtaining an NOC from the Society.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)