

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13168 of 2018

Harnishbhai Chimmanbhai PatelPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. R. D. Suryawanshi, advocate for the petitioner.
Mrs. Ashwini Anant Purav, AGP for the State.
Mr. Saurabh Oka, advocate for the respondent No.2.
Ms. Alifiya Mandviwala I/b. Mr. A. D. Wagh, advocate for the respondent No.5.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 1st FEBRUARY, 2019.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. The petitioner's application under amended section 52A of the Maharashtra Regional and Town Planning Act, 1966 for compounding of the structure was rejected by the respondent No.2 by an order dated 6th October, 2018, which is impugned in this petition. The said application was rejected solely on the ground that the measurement map reflecting the boundaries of the subject land was not submitted by the petitioner. The case of the petitioner is that he could not do so because of the opposition of the respondent No.5 who is the co-owner of the subject land.

3. Mr. Suryawanshi, learned counsel for the petitioner, submitted that now the measurement is carried out on 3rd December, 2018 and maps are submitted to the respondent No.2-Nagar Panchayat. Mr. Oka, learned counsel for the respondent No.2, does not dispute the statement and, on oral instructions, he makes a statement that the petitioner's proposal for compounding of the subject structure is being freshly considered and, accordingly, proposal is sent to the concerned authority. The statement is accepted.

4. In the light of the above, the impugned order will not survive for consideration and, the same is accordingly quashed and set-aside. The writ petition stands disposed of.

5. The respondent No.2 is directed to process the petitioner's proposal for compounding the subject structure and take decision in accordance with law as expeditiously as possible and preferably within a period of 3 months from the date of receipt of this order. All rights and contentions of the respective parties are kept expressly open.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]