

Vivek Bharmanand Shinde	...	Petitioner
versus		
State of Maharashtra and Ors.	...	Respondents

Mr. Madhur Rai i/by PRS Legal, for Petitioner.
Ms. S.D.Vyas, 'B' Panel Counsel, for State.
Mr. Sandeep Marne, for Respondent No.2.
Mr. B.B.Sharma, for Respondent No.3.
Mr. S.R.Page, for Respondent No.4.

**CORAM: S.J. KATHAWALLA &
N.J.JAMADAR, JJ.**
DATE: 14th NOVEMBER, 2019

1. The Petitioner has impugned communications dated 29th June, 2016 and 18th July, 2016 under Section 376 of The Maharashtra Municipal Corporation Act, 1949 (the Act) for storing combustible substance without obtaining license from the Corporation. A notice dated 7th October, 2016 was also issued to the Petitioner under Sections 236, 268 and 376(A) of the Act, for use of the petrol pump without occupation certificate.

2. The Corporation has filed its Affidavit in Reply and have drawn our attention to a communication addressed by the Corporation dated 27th July, 2018 to the Secretary, Environment/Chairman, Maharashtra Coastal Zone Management

Authority, wherein after recording CRZ Notification 2011, wherein Regulation 4.3 is inserted pertaining to post facto clearance for permissible activities, the Corporation has submitted a proposal to the Maharashtra Coastal Zone Management Authority (MCZMA) for post facto CRZ clearance qua the petrol pump of the Petitioner. The learned Advocate for the Corporation further submitted that the MCZMA is now in the process of considering all the post facto CRZ clearances recommended by the Corporation and shall also consider the post facto CRZ Clearance in favour of the Petitioner. It is submitted that once the said clearance is granted to the Petitioner, the Corporation shall proceed to issue the requisite license required for storing combustible substance and the occupation certificate, to the Petitioner.

3. In view of the above, the MCZMA is directed to consider the recommendation/proposal dated 27th July, 2019 forwarded to them by the Corporation within a period of 8 weeks from today. In the event of the decision of the MCZMA being adverse to the Petitioner, no coercive steps/action shall be taken for a period of two weeks from the date of receipt of such order by the Petitioner. All contentions of the parties are kept open. The Writ Petition is accordingly disposed of. Civil Application No.3122 of 2016 also stands disposed of.

3. A copy of this order shall be forthwith forwarded to the MCZMA by the Petitioner as well as by the Respondent Corporation.

(N.J.JAMADAR, J.)

(S.J.KATHAWALLA, J.)