

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

WRIT PETITION [Ld.] NO. 58 OF 2019

Bhuwan Dhariyal.

..Petitioner.

Versus

MCGM and Others.

..Respondents.

Mr. Ansari Asggar Kalim for the Petitioner.

Ms. Sheetal Matkari for MCGM.

Ms. Jyooti Chavan, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **January 9, 2019.**

P. C. :

1. By this petition, the Petitioner is challenging the notice issued to him by the Respondent-Corporation under section 55 of the Maharashtra Regional and Town Planning Act, 1966, directing him to remove unauthorised erection of shed with M. S. angles, partly brick masonry wall, AC Sheet roof and M. S. Railing along with temporary installation of boiler over an area admeasuring 13 mtr in length, 3 mtrs breadth and 2.10 mt in height.

2. Learned counsel for the Petitioner at the outset does not dispute that the notice structure is unauthorised one. He, however, states that on 7th January 2019 he has made an application to the MCGM for regularisation of the said structure and copy of the said application is annexed to this petition at Exhibit-C.

3. The contention of the Petitioner, in short, is that the Respondent-Corporation should decide his regularisation application and till then impugned notice may be kept in abeyance or stayed. Counsel for the the Respondent-Corporation states that application filed by the Petitioner is not in proper format and it has to be filed on-line on the official website of the MCGM.
4. The learned counsel for the Petitioner states that within the period of two weeks from today, the Petitioner would file an on-line application in proper format.
5. In above circumstances, we dispose of this petition by passing following order :

:- O R D E R :-

- [1] The Petitioner shall file an on-line application in proper format through licenced architect within the period of two weeks from today;
- [2] In the event such an application is made by the Petitioner within the stipulated time, the Respondent-Corporation shall decide the same within the period of eight weeks from the date of receipt of such application;
- [3] Till the decision on such application, both the parties shall maintains status quo as of today

regarding the subject structure;

[4] In the event orders passed on such application are adverse to the interest of the Petitioner, the same shall not be given effect to for the period of two weeks from the date of communication thereof to the Petitioner.

[5] Needless to state that the Respondent-Corporation shall decide the said application independently, on its own merits and in accordance with law. All points and contentions of the respective parties are kept open.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]