

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Radhakishan
S. Ladda

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ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION 1818 of 2015.

Juniper Hotels Pvt. Ltd.

..Petitioner .

Vs

Mumbai Municipal Corpn and Anr

..Respondents.

Mr. P.J. Thorat for the petitioner.

Mr. J.Reis, Senior Counsel a/with Ms. Rupali Adate for Respondent
MCGM.

**CORAM : AKIL KURESHI &
B. P. COLABAWALLA, J.**

DATED :- 7th NOVEMBER, 2019.

P.C. :-

1. By this petition the petitioner challenges the notice issued by the Municipal Corporation under section 53 (1) of the Maharashtra Regional & Town Planning Act, 1966 (for short "the MRTP Act"). Mr. Thorat, the learned Counsel appearing for the petitioner, pointed out that the petitioner has already made an application for retention/regularization as contemplated under the provisions of

the MRTP Act, and the same is pending before the Municipal Corporation. The grievance of the petitioner is that the Corporation is not processing the aforesaid retention/regularization application on the ground that certain amenity space and recreational ground was to be handed over to the Municipal Corporation and until that is done, the aforesaid application for regularization would not be processed. Mr. Thorat stated on instructions that part of the amenity space as well as the recreational ground has already been handed over to the Municipal Corporation and the balance shall be handed over to the Corporation on or before 30th November, 2019 and all formalities in that regard shall also be completed on or before the said date.

2. Accepting this statement of the petitioner, we think that this petition can be disposed of by directing the respondent-Corporation to consider the retention/regularization application of the petitioner. Once all formalities are completed by the petitioner regarding handing over the amenity space and recreational ground to the Municipal Corporation, the Corporation is directed thereafter to process the application for regularization within a period of eight weeks from the date when all formalities are completed by the

petitioner in relation to handing over the amenity space and recreational ground and inform to the petitioner the outcome of the said application.

3. Pending the decision of the regularization application, no coercive steps shall be taken by the Corporation against the petitioner in pursuance of the notice which is under challenge in the above writ petition.

4. The Writ Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(AKIL KURESHI, J.)