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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2570 OF 2020**

Tanaji Shantaram Patil

...Petitioner

vs.

State of Maharashtra & Ors.

...Respondents

Mr.Sandeep Mishra a/w Mr.Prakash Mishra for the petitioner

Ms G.R.Golatkhar, AAGP for the respondent No.1-State

Mr.Akshay Shinde for respondent No.2

**CORAM : R.D.DHANUKA AND
SURENDRA P.TAVADE, JJ.**

DATE : MARCH 13, 2020.

P. C. :

By this petition under Article 226 of Constitution of India, petitioner seeks a writ of mandamus or direction to declare notice under section 53-1B of the Maharashtra Regional and Town Planning Act,1966 issued by respondent No.3 as illegal, null and void, ab-initio, not executable and binding on the petitioner and was issued without following due process of law.

2 The learned counsel for respondent No.2 states that the petitioner has not filed any application for regularization of the impugned structure till date. Per contra, learned counsel for the petitioner places reliance on the letter dated 24th February 2020 (Exhibit E to the petition). He submits that in any event, petitioner would make a fresh application for regularization within a period of one week from today. Statement is accepted.

3 Respondent No.2 is directed to decide the said application, which will be made by the petitioner, within a period of two weeks from the date of the said application in accordance with law and on its own merits. It is made clear that this Court has not expressed any views on the merits of the application which would be filed by the petitioner.

4 Till the passing of such order and for a period of two weeks from the date of communication of the order to the petitioner, respondent No.2 shall not act upon the notice dated 20th December 2019 (Exhibit A to the petition) in respect of impugned structure which is subject matter of this petition, if the said order is adverse against the petitioner. The petitioner shall not carry out any construction without prior sanction from respondent No.2 till such time. The learned counsel for the petitioner states that his client will not create any third party rights in respect of the impugned structure till such time the application for regularization is decided by respondent No.2 and for a period of two weeks thereafter. Statement is accepted.

5 Writ Petition is disposed of on above terms.

6 It is made clear that if the application for regularization is not made by the petitioner within a period of one week from today, respondent No.2 would be at liberty to proceed with the impugned notice.

[SURENDRA P.TAVADE, J.]

[R.D.DHANUKA, J.]