

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1533 OF 2018**

Dr. Rajendra Motilal Saraogi and Anr. ... Petitioners
versus
State of Maharashtra and Ors. ... Respondents

Mr. A.M.Saraogi, for Petitioners.
Mr. Sukanta Karmakar, AGP, for State.
Mr. Rajesh Patil with Mrs. Pallavi Thakar, for MCGM.
Mr. P.G.Lad for MHADA.
Mr. Piyush Raheja i/by Mr. Ashish Suryavanshi, for Respondent No.4.
Dr. Yogesh Mhase, IAS, Chief Officer, MHADA, present.

**CORAM: S.J. KATHAWALLA &
R.I.CHAGLA, JJ.**

DATE: 8th DECEMBER, 2020

P.C.:

1. The learned Advocate appearing for MHADA, on instructions states that upon payment of Rs.12,50,000/-, the subject ducts (three in number) will stand regularized. As far as the loft is concerned, he on instructions states that MHADA will give the Petitioners the benefit of doubt and regularize the same without claiming any FSI or penalty with regard to the same. As far as the balcony is concerned, the Petitioners have agreed to construct a wall and not use the said area/balcony. However, pipelines on the balcony shall not be removed at this stage. The above statements are accepted as undertakings given to this Court.

2. Upon the above directions being complied with by the Petitioners, MHADA

shall within two weeks thereafter, issue occupation certificate to the Petitioners only in respect of their premises.

2. The learned Advocate appearing for MHADA states that this order should not preclude MHADA from taking action against the developer for not constructing the building as per the sanctioned plan including the storm water drain. MHADA shall be at liberty to take all possible action available to them in law, against the developer or any other person/s responsible for carrying out illegal works and/or not carrying out construction as per the sanctioned plan/s.

3. The Writ Petition is accordingly disposed of.

(R.I.CHAGLA, J.)

(S.J.KATHAWALLA, J.)