

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3358 OF 2022

Sahadev Govind Bhoir
V/S
Mumbai Metropolitan Region
Development Authority & Ors.

....Petitioner

....Respondents

...

Mr. Saurabh Oka i/b Mr. Mandar Limaye for the Petitioner.
Mr. Akshay Shinde for the Respondent No.1-MMRDA.
Mr. Rupesh Bhalshankar for Respondent Nos.2 to 5.

Respondent No.2 present in Court.

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**CORAM : A.A. SAYED &
ABHAY AHUJA, JJ.**
DATE : 11 APRIL 2022.

P.C.:

1 The Petition has been filed by the Petitioner seeking demolition of three buildings of ground plus three floors pursuant to the notice dated 14 September 2019 issued by the Respondent-MMRDA to the Respondent Nos.2 to 5 under section 53(1) of the Maharashtra Regional Town Planning Act, 1966. The three buildings are stated to have been constructed by the Respondent Nos.2 to 5 on land bearing Survey No.185, Hissa No.32, situated at Post Kon, taluka Bhiwandi, District Thane.

2 Learned Counsel for the Respondent Nos.2 to 5 states that the Respondent Nos.2 to 5 are the landlords and they have already filed a Regularization Application with the Respondent-Senior Planner, MMRDA. A copy of the said Regularisation Application is placed on record. Learned Counsel for the Respondent has also placed on record a Circular dated 11 March 2022 setting out the policy of the Respondent-MMRDA for regularisation of unauthorized constructions.

3 Since the aforesaid Regularisation Application of the Respondent Nos.2 to 5 is pending, the notice under section 53(1) threatening demolition of the buildings shall not be acted upon till the decision on the Regularisation Application. Needless to say that there shall be no demolition of the 3 buildings which is stated to have been scheduled on 12 April 2022.

4 The Petition is disposed of in the aforesaid terms. It will be open for the Petitioner to file appropriate proceedings, in the event the Regularisation Application of the Respondent Nos.2 to 5 is rejected and no action is taken by the Respondent-Corporation.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)