

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT ANANDRAO
IDHOL
Date: 2022.06.23
13:06:37 +0530

WRIT PETITION NO.7180 OF 2022

Fatima H. Shaikh ...Petitioner
V/s.

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr.. ...Respondents

WITH
WRIT PETITION NO.7181 OF 2022

Jarinabai Aayub Mulla ...Petitioner
V/s.

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr. ...Respondents

WITH
WRIT PETITION NO.7182 OF 2022

Allauddin D. Nadaf ...Petitioner
V/s.

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr. ...Respondents

WITH
WRIT PETITION NO.7183 OF 2022

Akhtarhusen S. Khan ...Petitioner
V/s.

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr. ...Respondents

WITH
WRIT PETITION NO.7184 OF 2022

Rafik Y. Ambi ...Petitioner
V/s.

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr. ...Respondents

Mr.Yuvraj Narvankar for the Petitioners.

Mr.Abhijit M. Adagule for the Respondent No.1.

Mr.A.A. Alaspurkar, AGP for the State – Respondent No.2.

WITH
WRIT PETITION NO.3526 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)

Jamila N. Patel V/s. Commissioner, Kolhapur Municipal Corporation, Kolhapurkar & Anr.	...Petitioner ...Respondents
--	---

WITH
WRIT PETITION NO.3489 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)

Balam A. Patankar V/s. Commissioner, Kolhapur Municipal Corporation, Kolhapurkar & Anr.	...Petitioner ...Respondents
--	---

WITH
WRIT PETITION NO.3490 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)

Ayyaz A. Bagwan V/s. Commissioner, Kolhapur Municipal Corporation, Kolhapurkar & Anr.	...Petitioner ...Respondents
--	---

WITH
WRIT PETITION NO.3491 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)

Abbas A. Faras V/s. Commissioner, Kolhapur Municipal	...Petitioner
--	---------------

Corporation, Kolhapurkar & Anr.

...Respondents

WITH
WRIT PETITION NO.3493 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)

M/s.Noorehidayat A. Madarsa,
through Amanulla Isaak Mulla
V/s.

...Petitioner

Commissioner, Kolhapur Municipal
Corporation, Kolhapurkar & Anr.

...Respondents

Mr.Yuvraj Narvankar for the Petitioners in the above Writ Petitions.

Mr.Abhijit M. Adagule for the Respondent No.1 the above Writ Petitions.

Mr.Y.D. Patil, AGP for the State – Respondent No.2 in WP No.3526 of 2022.

Mr.K.S. Thorat, AGP for the State – Respondent No.2 in WP Nos.3489 of 2022 & 3493 of 2022.

Mr.P.G. Sawant, AGP for the State – Respondent No.2 in WP Nos.3490 of 2022 & 3491 of 2022.

CORAM : R.D. DHANUKA &
M.G. SEWLIKAR, JJ.
DATE : 20TH JUNE, 2022.

P.C. :-

1. The writ petition nos.3526 of 2022, 3489 of 2022, 3490 of 2022, 3491 of 2022 and 3493 of 2022 are not on board. Taken on board by consent of parties.

2. Rule. Learned counsel for the respondent no.1 waives service. Learned AGP for the respondent no.2 waives service. Rule returnable forthwith.

3. By this petition filed under Article 226 of the Constitution of India, the petitioners seek a writ of certiorari for quashing and setting aside the impugned notice dated 4th February, 2022 and seek writ of mandamus to direct the respondents to accept and consider the regularization application under section 53 of the Maharashtra Regional & Town Planning Act, 1966 (for short "MRTP Act").

4. It is the case of the petitioners that the application for regularization made by the petitioners is not accepted by the respondent no.1. Per contra, it is the case of the the respondent no.1 that no such application has been filed. On the contrary application for Gunthewari made by the petitioners have been rejected. This submission of the respondent no.1 is seriously disputed by the learned counsel for the petitioners.

5. Without going into the correctness of the statements made by the learned counsel for the petitioners and by the learned counsel for the respondents, we direct the respondent no.1 to accept the application for regularization, if filed by the petitioners within 48 hours from today and to consider such application within two weeks from the date of such application on its own merits and in accordance with law. The order that would be passed by the respondent no.1 shall be communicated to the petitioners within three days from the date of passing of the order.

6. The respondent no.1 shall not take any coercive steps against the petitioners in respect of the notice dated 4th February, 2022 for a period of two weeks from the date of communication of the adverse order, if any. It is made clear that this Court has not expressed any views on the merits of the application for regularization that would be made by the petitioners. All contentions of both the parties are kept open.

7. All the writ petitions are disposed of. Rule is made absolute accordingly. If any hearing is contemplated while deciding the application for regularization, personal hearing shall be granted to the petitioners after issuing seventy two hours notice in advance.

8. All parties to act on the authenticated copy of this order.

(M.G. SEWLIKAR, J.)

(R.D. DHANUKA, J.)