

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6372 OF 2022

Edwin Misquitta & Anr. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Ms. Ketki Gadkari, Advocate for the Petitioners.

Mrs. M. P. Thakur, AGP for the Respondent No.1/State.

Adv. Karan Bhosale a/w. Adv. Neha Bhosale, Adv. Laveena Tejwani, Adv. Anuja Divadkar i/b. NDB Law, Advocate for Respondent No.2/MSRDC.

Mr. Nikhil Patil a/w. Adv. Gajanan D. Shinde and Adv. Ekta Mistry, Advocate for Respondent No.3.

**CORAM: S.V. GANGAPURWALA &
S.G. CHAPALGAONKAR, JJ.**

DATED : DECEMBER 7, 2022

P.C.

1. We have heard learned Counsel for the petitioners and respondents.
2. The learned Advocate for the petitioners submits that the illegal construction has carried out on terrace that is affecting the rights of the petitioners. The said structure is unauthorized. The respondent No.2 has also issued notice to respondent No.3, but no further action has been initiated by respondent No.2.
3. The learned Advocate for respondent No.3 submits that the respondent No.3 would apply for regularization of the said structure.

4. If the structure is unauthorized and the person constructing the unauthorized structure is ignoring the notice issued by the Planning Authority, the Planning Authority has every power under the Statue to take action against an unauthorized structure.

5. It is submitted by learned Advocate for respondent No.3 that an application for regularization is intended to be filed. The respondent No.3, if it so desires, may file an application for regularization within one week from today. The application shall be filed online and also in physical form. The application shall be accompanied with all relevant documents required for taking decision. If such an application is filed by respondent No.3, the respondent No.2 shall take decision upon the said application expeditiously preferably within six weeks. The respondent No.2 may hear the petitioner and respondent No.3 before taking decision.

6. The parties may take steps pursuant to the decision taken by respondent No.2 on the application for regularization immediately.

7. In case, the respondent No.3 fails to file application within one week accompanied with all relevant documents, then the respondent No.2 is entitled to proceed further for taking action against the said structure in accordance with law.

8. With these observation, the writ petition is disposed of. No costs.

(S.G. CHAPALGAONKAR, J.)

(S.V. GANGAPURWALA, J.)