

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5962 OF 2022

Rambhai Karnabhai Bharwad & Ors. ... Petitioners

vs.

Mira Bhayander Municipal Corporation and Anr. ... Respondents

Mr. Abhishek Patil for the Petitioners.

Mr. Y. D. Patil, AGP for Respondent no. 2.

Mrt. Mayuresh Lagu for the Corporation.

CORAM : A.K. MENON &

N. R. BORKAR , JJ.

DATE : 11th MAY, 2022

VACATION COURT

P.C.:

1. The challenge in this petition is to notice issued under section 253 and 254 of the Maharashtra Municipal Corporation Act, 1949 and in the matter of order dated 2nd May, 2022 passed by respondent no. 1 – Mira Bhayandar Municipal Corporation. According to the petitioner the structure is legitimate. It was acquired under conveyance. He has contended that the allegations in the notice are incorrect and that he is entitled to protection.

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2. At the hearing today the Corporation is represented. Learned counsel for the Corporation states that he will enter appearance within two weeks. It is a matter of record that there is no application for regularisation. According to the petitioner's Advocate the structure is fully legitimate and hence there is no question of regularisation. In either view of the matter since it is contention of the Corporation that the structure is illegal, the Advocate for the petitioner states he will file an application for regularisation within one week from today.

3. If such an application is made within the time specified herein the Corporation will decide the same in accordance with law after granting the petitioner a personal hearing.

4. In the event the order is against the petitioner it will not be acted upon for a period of two weeks after the order is communicated to the petitioner. No coercive action will be taken in the interregnum.

5. Petition is disposed in the above terms.

(N. R. BORKAR, J.)

(A. K. MENON, J.)