

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7274 OF 2022

Prakash Shankar Bhondwe

.... Petitioner

versus

Pimpri Chinchwad Municipal
Corporation & Ors.

.... Respondent

.....

- Mr. T. D. Deshmukh, Mr. Sagar A. Kursija & H. D. Chavan,
Advocate for Petitioner.
- Mr. R. V. More a/w Mr. Shivram Gawade. Advocate for
Respondent Nos.1 and 2.
- Mrs. A. A. Purav, AGP for Respondent No.3/State.

**CORAM : R. D. DHANUKA &
M. G. SEWLIKAR, JJ.
DATE : 21st JUNE, 2022.**

P.C. :

1. Rule.

2. Rule is made returnable forthwith.

3. Learned counsel for Respondent No.1 and 2 waives
service of notice.

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4. This Petition is filed challenging notice dated 30/05/2022 issued by the Respondent No.2 – the Executive Engineer, u/s 478 (1) r/w section 433-A of the Maharashtra Municipal Corporation Act, 1949, instructing the Petitioner to demolish the impugned structure described in the said notice.
5. Mr. T. D. Deshmukh, learned counsel for the Petitioner states that the Petitioner had been called upon to vacate the structure within 24 hours. He seeks time to apply for regularization/development permission of this structure. He submitted that he would file application for measurement of the impugned structure within one week from today before filing the application for regularization/development permission of impugned structure. Statement is accepted. If such application is filed for measurement of the impugned structure, the measurement shall be carried out by the Respondent No.2 within one weeks thereafter. Copy of the measurement report shall be submitted to both the parties within two days from the

date of carrying out measurement. One week thereafter, the Petitioner undertakes to file an application for regularization/development permission u/s 53 of the MRTTP Act to the Respondent No.2. The application made by the Petitioner, shall be considered by the Respondent No.2 within two weeks thereafter.

6. It is made clear that if the application for measurement is not made within one week from today and for regularization within one week from the date of Respondent No.3 furnishing copy of measurement, the interim protection passed would stand vacated without further order. A copy of the order that would be passed by the Respondent No.1 should be served upon the Petitioner within 48 hours after passing such order. If the application for regularization made by the Petitioner is allowed, consequential reliefs sought for regularization shall be granted and if the same is rejected, no coercive steps should be taken for a period of two weeks from the date of communication of such adverse order. During the pendency of the application

for regularization and for a period of 2 weeks from the date of communication of the order after such adverse order, the Respondent No.1 would not take any coercive steps against the Petitioner pursuant to the notice. It is made clear that we have not expressed any view on the merits of the application for measurement and the application for regularization/development permission, which is proposed to be made by the Petitioner. All contentions of the parties are kept open.

7. Writ Petition is disposed of in aforesaid terms. No order as to costs.

(M. G. SEWLIKAR, J.)

(R. D. DHANUKA , J.)