

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

WRIT PETITION NO.7857 OF 2022

Smt. Surekha Ramakant Tandel

.... Petitioner

versus

The City and Industrial Development
Corporation & Ors.

.... Respondents

.....

- Mr. R. D. Soni a/w Mr. Sujay Gawade, Ms. Sumedha Dhopate and Ms. Mudita Pawar i/b. Shree And Co., Advocate for Petitioner.
- Mr. A. I. Patel, Addl. G. P. a/w Ms. Kavita N. Solunkhe, AGP for State/Respondent No.4.
- Mr. Ashutosh M. Kulkarni, a/w Ms. Akanksha Helaskar, Advocate for Respondent Nos.1 to 3 – CIDCO.

**CORAM : R. D. DHANUKA &
M. G. SEWLIKAR, JJ.
DATE : 07th JULY, 2022.**

P.C. :

1. Heard.

2. Learned counsel Mr. Ashutosh M. Kulkarni waives
service for Respondent Nos.1 to 3.

MANUSHREE
V
NESARIKAR
Digitally
signed by
MANUSHREE
V
NESARIKAR
Date:
2022.07.11
14:39:15
+0530

Nesarikar

3. Mr. A. I. Patel, Addl. G. P. waives service for State/Respondent No.4.
4. Rule. Rule made returnable forthwith.
5. By this Petition under Article 226 and 227 of the Constitution of India, the Petitioner seeks writ of certiorari for setting aside impugned notice dated 17/06/2022 issued by Respondent No.3 u/s 54(1) of the Maharashtra Regional Town Planning Act, 1966 (for short 'MRTP Act'). The Petitioner also seeks writ of mandamus directing the Respondent No.2 to consider the representation dated 24/06/2022 filed by the Petitioner for regularization of the structure u/s 53(3) of the MRTP Act.
6. Learned counsel for the Petitioner on instructions press the prayer clause (b) only and prays that the application for regularization made by his client on 24/06/2022 be directed to be considered in accordance with law.

7. Mr. Ashutosh Kulkarni, learned counsel for Respondent Nos.1 to 3 states that if the Petitioner is directed not to create any third party rights or not to carry out further construction on the structure, the appropriate authority can decide the application for regularization within four weeks from today. Statement is accepted.
8. Mr. R. D. Soni, learned counsel for the Petitioner, states that his client will not carry out any further construction on the writ structure and will not part with the possession of the impugned structure in favour of anybody else except CIDCO. Statement is accepted.
9. We accordingly direct the appropriate authority to decide the said application dated 24/06/2022 u/s 53(3) of the MRTP Act within four weeks from today in accordance with law. The appropriate authority shall communicate the order that will be passed within one week from the date of passing such order.

If the order is adverse against the Petitioner, the said order shall not be implemented for a period of two weeks from the date of communication of the order.

10. It is made clear that this Court has not expressed any view on the merits of the application for regularization made by the Petitioner. All contentions of the parties are kept open.
11. Writ Petition is disposed off in aforesaid terms. Rule is made absolute accordingly.
12. Parties to act on authenticated copy of this order.

(M. G. SEWLIKAR, J.)

(R. D. DHANUKA , J.)