

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

PRACHI
PRANESH
NANDIWADEKAR

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WRIT PETITION NO.9622 OF 2022

Pravin Vilas Shinde & Ors.

.. Petitioners

Versus

The Commissioner,
Pune Municipal Corporation & Ors.

.. Respondents

Mr.V.S.Kapse i/by Mr.Shailesh D. Chavan for the petitioners.

Mr.R.S. Khadapkar for the respondent nos.1 to 3-PMC.

Mr.Yuwraj D. Patil, AGP for the respondent no.4.

**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 12th AUGUST 2022**

P.C.:-

. Rule. Mr.Khadapkar, learned counsel for the respondent nos.1 to 3 waives service. Mr.Patil, learned AGP waives service for the respondent no.4. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for writ of certiorari for quashing and setting aside the impugned notice 1st August 2022 issued by the respondent no.2 under Sections 52 and 53 of the Maharashtra Regional Town Planning Act, 1966. The petitioners have also prayed for writ of mandamus against the respondent nos.1 to 3 to consider the proposal submitted of revised sanctioned plan dated 27th July 2022 in accordance with law.

3. Mr.Kapse, learned counsel for the petitioners, on instructions, states that his client would apply for regularisation of the offending structure found in the notice dated 1st August 2022 in accordance with law and procedure/format prescribed within four weeks from today. Statement is accepted.

4. If any such application is made by the petitioner and the same is in accordance with law and format/procedure, the respondent nos.1 to 3 to consider the said application within four weeks from the date of submission of such application. The respondent nos.1 to 3 shall not take coercive steps against the offending structure of the petitioner till the application for regularisation is disposed off by the Municipal Corporation and for a period of two weeks from the date of communication of the order, if the said order is adverse against the petitioner. During this period, the petitioner shall not carry out further alterations or construction of any nature whatsoever without prior permission of the Municipal Corporation.

5. It is made clear that this Court has not expressed any views on merit of the application for regularisation proposed to be made by the petitioner. All contentions about the merit of the application for regularisation are kept open.

6. It is made clear that if the application for regularisation is not made by the petitioner within four weeks from today, the Municipal Corporation would be at liberty to execute the impugned notice dated 1st August 2022.

7. Writ petition is disposed off in aforesaid terms. Rule is made absolute. No order as to costs. Parties to act on the authenticated copy of this order.

KAMAL KHATA, J.

R.D. DHANUKA, J.