

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

WRIT PETITION NO.8560 OF 2021

Ashok Baliram Mirkute

... Petitioner

Vs.

The Municipal Commissioner, Kalyan
Dombivili Municipal Corporation & Ors.

... Respondents

**WITH
WRIT PETITION (ST) NO.12157 OF 2022**

Ganesh Kashinath Bhoir

... Petitioner

Vs.

Kalyan Dombivli Municipal Corporation,
Through its Assistant Commissioner

... Respondent

Mr. Manoj M. Badgujar for the Petitioner in WP No.8560/2021.

Dr. Uday P. Warunjikar a/w Mr. Siddhesh Pilankar for the Petitioner in
WPST No.12157/2022 and for Respondent No.2 in WP No.8560/2021.

Mr. Sandip D. Shinde for Respondent-Corporation.

**CORAM : S.V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : 24TH NOVEMBER 2022

PC. :

1. Writ Petition No.8560 of 2021 is filed seeking issuance of direction to the Corporation to implement their order issued against Respondent No.3 Ganesh for demolition of unauthorised construction. Under the said order, the Corporation has concluded that the construction of Respondent Ganesh is unauthorised and deserves to be demolished.

2. In Writ Petition (Stamp) No.12157 of 2022, the relief is sought challenging the same notice/order.

3. The learned Advocate for the Respondent-Corporation submits that the Corporation is ready to proceed further as per the order passed by it and would take the necessary steps to implement the order of the Corporation.

4. The learned Advocate for the Petitioner in Writ Petition (Stamp) No.12157 of 2022 submits that the Petitioner would file an application for regularisation. The entire village, which has now subsequently merged in the larger urban area (Corporation), is constructed on Gaothan land. The construction is existing much prior to the village merging in the Corporation area.

5. The Petitioner Ganesh Kashinath Bhoir may file an application for regularisation within two weeks from today. The Corporation shall take decision on the said application filed by the Petitioner Ganesh for regularisation on its own merits and in accordance with the law and policy. Till the decision is taken by the Corporation on the said application

for regularisation, further coercive steps shall not be taken against the Petitioner and his subject property.

6. In case, some adverse order is passed on the application for regularisation, the further protection of seven days is granted to the Petitioner Ganesh. Needless to state that on lapse of seven days, the protection granted by this Court shall come to an end. The aforesaid protection is granted to the Petitioner Ganesh, only if he files an application for regularisation within two weeks from today.

7. The learned Advocate for the Respondent-Corporation states that the said application of the Petitioner shall be decided within six weeks of the Petitioner filing the application.

8. Accordingly Writ Petitions are disposed of. No costs.

9. Needless to state that all the contentions on merits are kept open.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)