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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
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WRIT PETITION NO.13127 OF 2022

Swapnil B. Taras ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.13128 OF 2022

Sharad K. Taras ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.13129 OF 2022

Moreshwar B. Taras ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.13130 OF 2022

Tejas B. Bodke ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.13131 OF 2022

Deepak L. Taras ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.13132 OF 2022

Ganesh S.Taras

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Ajinkya M. Udane for the Petitioners in the above writ petitions.

Mr.D.R. More with Mr.Shivam Gawde for PCMC – Respondent.

Mr.A.I. Patel, Addl. G.P. with Mr.R.P. Kadam, AGP for the State – Respondent.

**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.**

DATE : 10TH NOVEMBER, 2022.

P.C. :-

1. Mr.More, learned counsel for the Municipal Corporation invited our attention to some of the documents annexed to the petitions by the petitioners and vehemently opposed these petitions on the ground that these petitioners had not filed application for regularization before the Municipal Corporation under section 44 of the MRTP Act and no notices were even issued to these petitioners by the Municipal Corporation under section 53 of the MRTP Act or under the provisions of the Maharashtra Municipal Corporation Act.

2. In view of these objections raised by the Municipal Corporation, learned counsel for the petitioners seeks liberty to withdraw these petitions with liberty to file fresh petitions by the persons, who were issued notices by the Municipal Corporation under the provisions of the Maharashtra Municipal Corporation Act or under

section 53 of the MRTP Act and if those applications for regularization have been rejected by the Municipal Corporation. He undertakes to file the fresh petitions by such persons within two weeks from today and would serve a copy thereof upon the learned counsel for the Municipal Corporation simultaneously. It is made clear that if it is found that the writ petitions are filed by some person/s other than the person/s who were issued notices by the Municipal Corporation or by persons who had not applied for regularization under section 44 of the MRTP Act, such petitions would be dismissed with exemplary costs.

3. The Municipal Corporation is directed not to take any coercive steps against the persons who were issued notices by the Municipal Corporation and against the parties whose applications for regularization under section 44 of the MRTP Act have been rejected for a period of four weeks from today. We are informed by the learned counsel for the Municipal Corporation that the notices were issued by the Municipal Corporation, to the parties mentioned at pages 75 to 78 of these petitions and those parties had filed petitions earlier. Mr. Udane, learned counsel for the petitioners does not dispute this position. These petitioners, who were parties to the earlier petitions and against whom the notices were issued, shall not carry out any construction or alterations of any nature whatsoever,

without prior sanction of the Municipal Corporation.

4. The above writ petitions are disposed of as withdrawn with liberty as prayed. No order as to costs.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)