

Anand

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

WRIT PETITION NO. 1049 OF 2023

Minanath Rama Mhatre .Petitioner

Vs.

The City & Industrial Development Corporation .Respondents
& ors.

**WITH
WRIT PETITION NO. 1052 OF 2023**

Sahadev Manik Patil .Petitioner

Vs.

The City & Industrial Development Corporation .Respondents
& ors.

Mr. R. D. Soni a/w Mr. Sujay Gawade, Ms Sumedha Dhopale,
Ms Mudila Pawar i/b. Shree & Co., Advocate, for the Petitioners
in both matters

Ms Manisha Jagtap, Advocate, for Respondent Nos. 1 to 3 -
CIDCO in both matters

Mr. Tejesh Dande, Advocate, for Respondent No. 5 in W. P. No.
1049 of 2023 and for Respondent No. 4 in W. P. No. 1052 of 2023

Ms R. M. Shinde, AGP, for Respondent No. 4 in W. P. No. 1049 of
2023 and for Respondent No. 5 in W. P. No. 1052 of 2023

**WITH
WRIT PETITION NO. 1212 OF 2023**

Pravin Gopinath Kadam .Petitioner

Vs.

The Navi Mumbai Municipal Corporation .Respondents
& ors.

Mr. R. D. Soni a/w Mr. Sujay Gawade, Ms Sumedha Dhople,
Ms Mudita Pawar i/b. Shree & Co., Advocate, for the Petitioner
Ms Manisha Jagtap, Advocate, for Respondent Nos. 4 & 5 -
CIDCO
Mr. Tejesh Dande, Advocate, for Respondent Nos. 1 to 3 -
Corporation
Ms R. M. Shinde, AGP, for Respondent No. 6 - State

**CORAM : A. S. CHANDURKAR AND
ABHAY S. WAGHWASE, JJ.**

DATE : 1 MARCH 2023

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. We have heard the learned counsel for the respective parties and we have perused the documents on record.

2. The challenge raised in these Writ Petitions is to the notice issued by the Navi Mumbai Municipal Corporation under Section 54 of the Maharashtra Regional and Town Planning Act, 1966. By the said notice, the Petitioner has been called upon to demolish the structure stated to be unauthorized.

3. The learned counsel for the Petitioner submits that an application for regularization has been made by the Petitioner to Respondent No. 1 - CIDCO. Our attention is invited to an order passed in W. P. No. 8468 of 2016 decided on 19.09.2018.

4. We find that since an application for regularization

has been made by the Petitioner to the Planning Authority, interest of justice would be served by issuing the following directions.

(i) The application for regularization made by the Petitioner shall be decided by the First and Second Respondents within a period of six weeks from today;

(ii) The order passed on the application be communicated to the Petitioner;

(iii) Till the date of the communication of the order, no further steps shall be taken by the Petitioner on the basis of notices dated 28.04.2022, 29.08.2022 & 20.09.2022 (Exhibits G, C and C to the Petitions) subject to the condition of the Petitioner maintaining status-quo as of today in respect of the structures, subject matter of the said notice;

(iv) If the order passed on the application for regularization be adverse to the Petitioner, the aforesaid protection shall continue for a period of one month from the date on which the order is communicated to the Petitioner;

(v) All contentions on merits of the application for regularization are kept open;

(vi) The Petitions are disposed of on above terms;

(vii) All concerned to act upon an authenticated copy of this order.

(ABHAY S. WAGHWASE, J.)

(A. S. CHANDURKAR, J.)