

Anand

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

WRIT PETITION NO. 1298 OF 2023

Kavita Kamlakar Koli

.Petitioner

Vs.

The Managing Director, CIDCO & ors.

.Respondents

WITH
WRIT PETITION NO. 1299 OF 2023

Kavita Kamlakar Koli & anr.

.Petitioners

Vs.

The Managing Director, CIDCO & ors.

.Respondents

Mr. Rahul Thakur, Advocate, for the Petitioners in both matters
Ms Manisha Jagtap a/w Mr. Karan Rasane, Advocate, for
Respondent Nos. 1 to 3 - CIDCO
Ms M. P. Thakur, AGP, for Respondent Nos. 4 & 5 - State

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

DATE : 28 FEBRUARY 2023

P. C.

. We have heard learned counsel for the respective parties.

2. It is seen that during pendency of the proceedings, regularization application preferred by the Petitioners has been rejected by the Planning Authority on the premise that the Petitioners do not have title to the said land to consider prayer

for regularization.

3. In the light of this finding recorded, we do not find that the Petitioners can be granted any relief that they have sought in the present Writ Petition.

4. Accordingly, the Petitioners are granted time of 15 days which would be till end of 15.03.2023 to vacate the premises in question to enable Respondent Nos. 1 to 3 to take further steps pursuant to the notices issued under Section 53(1) of the Maharashtra Regional Town Planning Act, 1966. If the Petitioners vacate the premises by 15.03.2023, they are permitted to make representations to Respondent Nos. 1 to 3 seeking relief under rehabilitation policy, if any. If such representations are made to the said Respondents, same shall be considered in accordance with the prevailing policy and a decision thereon in accordance with law be taken.

5. With these observations, the Writ Petitions are dismissed. No costs.

(ABHAY S. WAGHWASE, J.)

(A. S. CHANDURKAR, J.)