

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4280 OF 2023

VAISHALI
ANIL
TIKAM

Sanjay Mohan Kamble

...Petitioner

Vs.

The State of Maharashtra

Through Thr. Prin. Secretary,

Revenue Dept. and Ors.

...Respondents

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Mr.Vivek Patil a/w. Mr. Kiran G. Kulkarni a/w. Ms. Kavita Vijapure
i/b. Mr. D.V. Sutar, for the Petitioner.

Mr. A.I. Patel, Additional. Government Pleader a/w. Mrs. M.S. Bane,
AGP for State

**CORAM:- R.D. DHANUKA &
GAURI GODSE, JJ.**

DATE :- 6 APRIL, 2023

P. C.:

1. Matter is on Board. Mentioned out of turn by the learned counsel for the Petitioner after giving notice to the Respondents.

2. Learned counsel for the Petitioner seeks liberty to delete Respondent No.5 as no relief is sought against Respondent No.5. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

3. Learned counsel for the Petitioner expressed apprehension that the offending structure may be demolished by Respondent Nos. 1 to 4 by implementing order dated 6 July, 2022 directing the Petitioner to remove alleged illegal structure and threatening that if the same is not removed, the same would be removed by the Authority since the land is converted into unauthorized non-agricultural user of agricultural land in accordance with Section 45 of the Maharashtra Land Revenue Code, 1966.

4. Learned counsel for the Petitioner tenders a copy of the application dated 3 April, 2023 filed by the Petitioner in the office of the Collector along with copy of the plan, seeking regularization of the offending structure which is subject matter of the said Writ Petition. Learned counsel for the Petitioner states that the Petitioner has not carried out any unauthorized construction, however, has filed the said application for regularization.

5. Learned counsel for the Petitioner states that if an application for regularization under the provisions of the Maharashtra Regional Town Planning Act, 1966 is required to be made in a proper format, the same would be made within a

period of one week to the Respondents, upon Respondents informing about the such format. The submission is accepted.

9. Learned AGP to communicate the requisitions including format for making an application for regularization, if an application is made on 3 April, 2023 is not in a proper format. If the application dated 3 April, 2023 received by the Respondents, is in a requisite format, the same shall be considered by the Respondents for the regularization within three months from today. For a period of three weeks from the date of communication of the order that would be passed by the Collector and during such time, till such application for regularization is decided, no coercive steps shall be taken by the Respondents to enforce the order dated 6 July, 2022 or pursuant to the order passed subsequent thereto. The Petitioner shall not carry out any construction on the land without obtaining prior sanction of the Respondents.

10. It is made clear that this Court has not expressed any view on the correctness of the said order dated 6 July, 2022 or on the merits of the application made by the Petitioner for regularization of the offending structure.

11. All contentions of the parties are kept open.

12. Writ Petitioner is disposed of in the aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(R.D.DHANUKA, J.)