

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6388 OF 2023

Gulshan W/o Ajimulla Shaikh

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

AND

WRIT PETITION NO. 6389 OF 2023

AND

WRIT PETITION NO. 6390 OF 2023

Mr. Rahul Shinde for Petitioner in all Petitions.

Mr. A. P. Vanarase, AGP for State in all Petitions.

**CORAM : Sharmila U. Deshmukh &
Arif S. Doctor, JJ.**

**DATE : May 19, 2023.
[Vacation Court]**

P. C.:-

1. These Petitions have been urgently circulated seeking an order restraining the Respondent Nos.3 and 4 from initiating action of the demolition of the properties of the Petitioner pursuant to the eviction notice affixed on the properties of the Petitioner on 8th May, 2023.

2. Learned counsel appearing for the Petitioner submits that the notices were affixed on the properties on 8th May, 2023 but the date of the notices are 12th January, 2022 and 1st February, 2022. He would further submit that necessary averments in that behalf are incorporated in the body of the Petition. He would further submit that previously a Petition seeking identical reliefs was filed before this Court. As the common Petition was filed challenging the individual notices, vide an order dated 12th May, 2023, this Court had permitted Petitioners to withdraw the Petition filed by Petitioner Nos.2 to 4 with liberty to file fresh Petition. He would further submit that by the said order dated 12th May, 2023, the structure of the Petitioner No.1 was protected for a period of six weeks and seeks similar ad interim relief in the present Petition.

3. Considering that Coordinate Bench of this Court had permitted the Petitioners in Writ Petition No.6227 of 2023 to file an Application for regularisation under Section 53(3) of the Maharashtra Regional Town Planning Act, 1966 and protected the structure of the Petitioner therein for a period of six weeks, we are inclined to grant similar protection to the Petitioner in the present Petitions. Hence, the Petitioner is permitted to file an Application for regularisation under Section 53(3) of the Maharashtra Regional Town Planning Act, 1966 within a period of two weeks from today.

If the said Application is filed, the concerned authority to decide the same within a period of four weeks from the date of receipt of the Application. For a period of six weeks from today, the structure of the Petitioner in all captioned Petitions stands protected.

4. Petitions stand disposed of in the above terms.

(Arif S. Doctor, J.)

(Sharmila U. Deshmukh, J.)