

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6909 OF 2023

1. Ms Poonam Haresh Jeswani

Age – 56 years, Occupation–Service.

2. Mr. Haresh Lokumal Jeswani

Age–58 years, Occupation–Service,

Both having address at – Flat No.700,

7th Floor, Shiv Towers ‘A’ Wing,

Khopat, Thane (W),

Permanent address – Flat No.304,

Bholanath Tower, Near 24–C School,

Ulhasnagar, Dist.Thane 421 001.

.. Petitioners

Vs.

1. The Thane Municipal Corporation

of the City of Thane

Having office at Mahapalika Bhavan,

Chandan Wadi, Panchpakhadi,

Thane (W) 400 602.

2. The Assistant Commissioner,

Uthalsar Prabhag Samiti,

Thane Municipal Corporation,

Prabhag Samiti Office,

Uthalsar Thane (W),

3. M/s. Shiv Developers,

A Partnership Firm constituted under the

Indian Partnership Act,

Having its office at Smita Building,

B–Wing, Dr.Ambedkar Road,

Mulund (W), Mumbai – 400 080.

4. Rajkumar Tikamdas Bathija,

Indian inhabitant, Occupation-Business,

R/at-C-48, Gurunanak CHS Ltd.,

Kopari Colony, Thane (E) 400 603.

.. Respondents

- Mr. Aseem Naphade a/w. Mr. Suyash Gadre, for the Petitioners.
- Ms. Chaitrali Deshmukh, for Respondent Nos.1 & 2-Corporation.

**CORAM : SUNIL B. SHUKRE &
R.N. LADDHA, JJ**

DATE : 13th JUNE, 2023.

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J.)

1. Heard. Rule. Rule made returnable forthwith, by consent of learned counsel for the respective parties.

2. Learned counsel for the Petitioners submits that the relief claimed by the petitioners is only to the extent of seeking time bound decision, in accordance with law, from Respondent Nos.1 and 2 in respect of the regularisation application filed by the Petitioners. That being so, there is no need to issue any notice to Respondent Nos.3 and 4 who, according to the petitioners, are the persons from whom the petitioners had purchased the present flat.

3. Considering the limited relief claimed in the petition, we pass the following order:-

(i) Respondent Nos.1 and 2 are directed to decide the regularisation application dated 17.04.2018 filed by the petitioners in accordance with law at the earliest and in any case within a period of eight weeks from the date of receipt of this order.

(ii) We direct that till the regularisation application of the petitioners is decided, no coercive action shall be taken against the petitioners and in case the decision goes against the petitioners, no coercive action shall be taken against the petitioners for a further period of two weeks from the date of such order.

(iii) Rule is made absolute in the above terms. No costs.

4. Petition is disposed of in the above terms.

[R.N. LADDHA, J.]

[SUNIL B. SHUKRE, J.]