

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15813 OF 2022

Idris Dawoodbhai Kagalwala & Anr. Petitioners

Vs.

The Mumbai Metropolitan Regional Development & Anr. Respondents

Mr. Shardul Singh a/w. Yash Momaya, Parag Khandhar, Pranita Saboo & Drishti Bajaj i/b.DSK Legal for the Petitioners.

Mr. A.A. Alaspurkar, AGP for Respondent Nos.2 & 3.

Ms. Aparna D. Vhatkar for Respondent No.1-MMRDA.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 4th JANUARY, 2023.

P.C. :

1. It has now come on record that the subject property, which is Gala No.13, admeasuring 2500 square feet, purchased by the petitioners, is an unauthorized construction as the petitioners have already filed an application before Respondent No.1 for regularizing the construction, in accordance with law. If that is so, this petition cannot be entertained at this stage.

2. The learned counsel for Respondent No.1, on instructions, submits that Respondent No.1 will decide the application filed by the petitioners for regularization, in accordance with law, within a reasonable period of time and till that time, Respondent No.1 will not act upon the impugned notice dated

20.12.2022.

3. In view of above, the petition is disposed of with a direction to Respondent No.1 to decide the application of the petitioners seeking regularization of the subject construction, in accordance with law, within a reasonable period of time and till the decision is taken, the impugned notice dated 20.12.2022 shall not be acted upon.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]