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

WRIT PETITION NO.721 OF 2024

Navinchandra Pathak

... Petitioner

V/s.

Navi Mumbai Municipal Corporation
Through The Municipal Commissioner &
Ors

... Respondents

Mr. Pranil Sonawane a/w Mr. Raj Chauransia i/by Ms.
Sharayu Shinde, for Petitioner.

Mr. Tejash Dande, for Respondents/NMMC.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 17, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The writ petition arises out of rejection of application for stay in an appeal refusing to regularize petitioners' structure.
- 3.** According to the petitioner, the structure is purchased by him in the year 1994 and is in existence since then. According to him, the Municipal Corporation has granted Occupancy Certificate (O.C.) to the building which includes this structure.
- 4.** On perusal of the order of refusal for regularization the structure, it appears that certain clearance have not been complied

with. Prima facie, there is no objection regarding non compliance of incurable defects. Hence, the petitioner has made out a case for grant of interim relief. During pendency of appeal before the State of Maharashtra, petitioners' structure shall not be demolished.

5. Considering the facts, the State Government shall decide the appeal within three months from today. In case, the appeal is decided against the petitioner, the interim order shall continue for period of four weeks from the date of communication of order to the petitioner.

6. The writ petition stands disposed of. No costs.

7. Rule stands discharged in above terms.

(AMIT BORKAR, J.)