

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9425 OF 2024

Tulsidas Badrichand Vasita ...Petitioner
Versus
The State of Maharashtra & Anr ...Respondents

Mr Amit A Karva, *for the Petitioner.*
Ms MP Thakur, AGP, *for the Respondent-State.*
Mr Suresh M Kamble, *for Respondent No. 2.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 5th July 2024

PC:-

1. Heard learned counsel for the parties.

2. The Petitioner applied for regularisation of the unauthorised structure he put up to the Ulhasnagar Corporation in 2007.

3. The learned counsel for the Corporation today produces on record an order dated 2nd July 2024 by which the Corporation has rejected the Petitioner's application for regularisation. This order is communicated to the learned counsel for the Petitioner today in the Court.

4. Even before the above order dated 2nd July 2024 could be communicated to the Petitioner, on 3rd July 2024, the Corporation issued notice to the Petitioner for demolition of the structure. Therefore, the Petitioner has instituted the present Petition and moved the same for urgent interim reliefs.

5. Admittedly, the Petitioner has a right to institute an appeal against the communication dated 2nd July 2024, which was communicated to his Advocate today. Learned counsel for the Petitioner states that such an appeal will be instituted within a week from today before the Appellate Authority.

6. If such an appeal is instituted within a week from today, then the Corporation should not act on its demolition notice dated 3rd July 2024. However, if such an appeal is not instituted within a week by serving an advance copy on the Corporation, the Corporation would be free to act on its notice dated 3rd July 2024.

7. If the appeal is instituted within a week from today, the same should be disposed of by the Appellate Authority within a month from the date of its institution. The Petitioner and the Corporation should cooperate with the Appellate Authority for the disposal of this appeal within a month. In particular, the Petitioner should not seek any unnecessary adjournments and delay the disposal of the appeal before the Appellate Authority.

8. During the pendency of the appeal and for two weeks thereafter, in case the Appellate Authority's decision is adverse to

the Petitioner, the Corporation should not implement its order dated 3rd July 2024.

9. All parties' contentions on the legality or otherwise of the structure put up or on the issue of regularisation of the structure put up are kept open.

10. With the above directions, this Petition is disposed of. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)