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Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13452 OF 2024

Anandashram English High School	...Petitioner
<i>Versus</i>	
Municipal Council, Palghar	...Respondent

Mr Ashley Cusher, a/w Mr Satish Kumbhar, for the Petitioner.
Mr B D Joshi, for the Respondent-Council.

CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 27 September 2024

PC:-

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner states that though the construction which is now ordered to be demolished by the impugned order dated 05 September 2024 is illegal, the petitioner which is an educational institution, without prejudice, will make an application for retention/regularisation within 2 weeks from today before appropriate authorities by furnishing all particulars and documents. Learned counsel for the petitioner submits that presently the exams are going on and therefore, some limited

protection may be granted until the petitioner, without prejudice, applies for retention/regularisation.

3. Considering the peculiar circumstances, we direct that for a period of 15 days from today, the impugned notice dated 05 September 2024 should not be executed/implemented. If during this period the petitioner applies for retention/regularisation their case will be covered by the provisions of Section 53(3) of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act). However, if no application for retention/regularisation is made within 15 days, then, the authorities will be free to execute/implement the impugned order dated 05 September 2024.

4. Mr Joshi appearing for Municipal Council, Palghar, (“**Council**”) states that such application will be disposed of within 4 weeks in accordance with law. This statement is accepted. The Council should endeavour to dispose of this application by 22 November 2024.

5. Further, if this application for rejection/regularisation is rejected, the Council should not take any coercive action for a period of 2 weeks from the date of communication of the adverse order.

6. By granting the above limited relief we disposed of this petition.

(Kamal Khata, J)

(M.S. Sonak, J)