

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

Writ Petition No. 14717 of 2024

Rajesh Prataprai Khanwani & anr. ... Petitioners

V/s.

Ulhasnagar Municipal Corporation and
another ... Respondents.

Mr. Girish Agrawal a/w. Mr. Monish Bhatia a/w. Mr. Karansingh Chawla a/w. Ms. Sheetal Punjabi	Advocate for the Petitioner
Mr. Suresh M. Kamble	Advocate for Respondent Nos.1 and 2.
Ms. Minal Chandnani	Advocate for the Intervenor.
Mr. Sanjay Pawar	Junior Engineer, Town Planning Department present.

CORAM : S.M. MODAK, J

DATE : 22 October 2024.

P.C. :

As directed yesterday, today the matter is fixed for hearing of Learned Advocate for the Corporation on the submission made by Mr. Agrawal for the Petitioner about taking decision by Corporation on retention application. It is on the basis of G.R. dated 15 March 2024.

2. On the basis of instructions, learned Advocate Shri Kamble has

tendered a letter signed by Assistant Director, Town Planning Corporation, Ulhasnagar informing that the representation of the petitioner dated 16 October 2024 (as directed by the Urban Development Department dated 15 March 2024) can be decided within one month period.

3. Today, learned Advocate Ms.Chandnani appeared for one Prakash Kukreja. Her client also wants hearing while deciding the representation. She had shown to me the following orders:-

- (i) the order dated 13 October 2016 passed by the Division Bench in PIL No.119/2015. The Corporation and State Government were directed to decide the representation expeditiously on merits and as per law.
- (ii) the order dated 27 March 2023 passed by the Division Bench in Contempt Petition preferred in that matter.
- (iii) The representation dated 27 September 2024 made by the Intervenor addressed to various officials of UMC.

The Petitioner was granted liberty to take appropriate steps, if the order passed on representation is not implemented.

4. Mr. Agrawal strongly objects to right of audience to Intervenor by the Corporation. He relied upon the observations in the order dated 20 April 2023 passed by the trial Court, Kalyan in the suit filed by the present petitioner. The intervention was disallowed by the trial Court. Admittedly, this order is not challenged.

5. Even learned Advocate Kamble submitted that such representations are decided on the basis of documents and opinion of concerned officials of the Corporation and no hearing is given. Mr. Agrawal on the basis of instructions submitted that his client will give an undertaking to demolish the construction at this cost if his representation for regularisation is rejected. In view of that, the following order is passed:-

ORDER

- (i) The Ulhasnagar Municipal Corporation is directed to decide the representation for regularisation dated 16 October 2024 preferred by the petitioner in respect of suit structure involved in the suit as early as possible not later than one month from today.
- (ii) The Petitioner is at liberty to file the documents, if he wants, within seven days from today in the office of Ulhasnagar Municipal Corporation.
- (iii) The Intervenor Prakash Kukreja is also permitted to file additional documents, if he wants in the office of the UMC within seven days from today.
- (iv) The Petitioner to furnish an undertaking in the office of this Court within three days that he will remove the constructions in respect of which there is a demolition notice by the

Corporation at his own costs if the proposal of regularisation is not accepted.

- (v) It is made clear that no extension will be given for deciding the representation.
- (vi) The Commissioner – Ulhasnagar Municipal Corporation is directed to look into implementation of this order. Even he is at liberty to take action against the officials if representation is not decided within one month from today.
- (vii) The statement made by the learned Advocate Mr. Kamble on the basis of instructions that Corporation will not take action of demolition till disposal of the representation is accepted.
- (viii) With these observations, Writ Petition is disposed of.
- (ix) The time limit fixed above will be applicable from the date of uploading of order.

(S.M. MODAK, J.)