

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 739 OF 2024
IN
WRIT PETITION NO. 3488 OF 2018

Feroz Ahmed Vazir Ansari	...Applicant
<i>In the matter between</i>	
Feroz Ahmed Vazir Ansari	...Petitioner
<i>Versus</i>	
The Municipal Corporation of Greater Mumbai & Ors	...Respondents

Mr Jitendra B Mishra, with Rupesh Dubey, for the Petitioner.
Ms RM Hajare, for the Respondent-BMC.

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

PC:-

1. Heard learned counsel for the parties.

2. Learned counsel for the Petitioner states that all Respondents, including Respondent No. 3, are served.

3. In any case, for the order that we propose to make, the Brihanmumbai Municipal Corporation (“BMC”) will have to hear Respondent No. 3 in the matter.

4. The Petitioner had filed a complaint against Respondent No. 3 for carrying out an unauthorised construction. The BMC issued a notice under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (“MRTP Act”). However, the persons who were occupying the unauthorised construction instituted a suit.

5. Learned counsel for the Petitioner states that the suits were disposed of on 26 February 2021 by giving the occupants leave to apply for regularisation. The BMC was directed to decide on the regularisation applications, and an additional two weeks of protection was granted in case the BMC were to decline regularisation. The Petitioner complains that, to date, there has been no progress on the matter.

6. Therefore, we direct the BMC to dispose of the regularisation applications if pending within two months from today. The BMC must hear the Petitioner and persons who have applied for regularisation and pass a speaking order.

7. If the BMC refuses regularisation, it must hold its hands for two weeks and not proceed with the demolition. However, if there is no legal impediment within this period or if the persons whose applications are rejected obtain no protection from the competent Court of Law, the BMC must proceed with the demolition in terms

of its original notices under Section 53(1) of the MRTP Act. The demolitions must then be carried out within four weeks of the expiry of the two-week period from the communication of the regularisation rejection orders.

8. This Petition is disposed of by issuing the above directions. All concerned to act on an authenticated copy of this order.

9. The BMC should file its compliance report by 13th September 2024 after giving advance copies to the learned counsel for the Petitioner.

10. List the matter on 20th September 2024 for consideration in the compliance report.

(Kamal Khata, J)

(M.S. Sonak, J)