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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7359 OF 2025

Mr. Sameer Vijay Bhujbal. ...Petitioner  
Vs.

The Pimpri Chinchwad Municipal Corporation & Ors. ...Respondents

Mr. P. B. Shah i/b. Kayval P. Shah, for the Petitioner.  
Mr. Deepak r. More with Mr. Shivram A. Gawade, for Respondent Nos.1 & 2.

CORAM: G. S. KULKARNI &  
ARIF S. DOCTOR, JJ.  
DATE: 11 JUNE 2025.

P.C.

1. This is the second round of litigation. On the earlier occasion, the petitioner had filed Writ Petition No.6766 of 2022 challenging the notice dated 3 June 2022 issued by the Municipal Corporation under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short '**MRTP Act**'). A Division Bench of this Court, after hearing the parties, was pleased to dispose of the petition by an order dated 9 June 2022 whereby a statement as made on behalf of the petitioner that the regularization application shall be filed Online within three weeks, was accepted and further instructions were issued that if the regularization application was so filed, the same shall be disposed of by the Corporation expeditiously and a decision would be communicated to the petitioner. Such order is required to be noted which reads thus:

- "1. The Petition is filed challenging the notice dated 03/06/2022 issued by the Respondent-Corporation under Section 53 of the MRTP Act.
2. Learned Counsel for the Respondent-Corporation states that the subject structure is within the blue line under DC Regulations. Learned Counsel for the Petitioner, however, states that there is no mention in the

notice that the subject structure is falling with the blue line.

3. Learned Counsel for the Petitioner, on instructions, states that the Petitioner shall file a Regularization Application online within three weeks from today.

4. In the facts and circumstances of the case and in the interest of justice, we dispose of the Petition by passing the following order:

#### ORDER

(i) We record the statement of learned Counsel for the Petitioner that the Regularization Application shall be filed online by the Petitioner within three weeks from today.

(ii) If such Regularization Application is filed, the same shall be disposed of by the Respondent-Corporation expeditiously and the decision on the same shall be communicated to the petitioner.

(iii) Until the Regularization Application is decided and for a period of two weeks from the date of communication of the decision to the Petitioner on the Regularization Application, no coercive steps shall be taken against the structure of the Petitioner.

5. The Petition is disposed of in the above terms.”

2. In pursuance thereto, the petitioner contends that a regularization application was filed on 29 June 2022 under the Online procedure. A copy of the same is annexed at ‘Exhibit H’ (page 56 to the paperbook). It is the case of the petitioner that no decision is taken on such application. However, although oblivious of the pendency of this application and the orders passed by this Court on Writ Petition No.6766 of 2022, it appears that the Ward Officer has issued the impugned notice under Section 53 of the MRTP Act, calling upon the petitioner to remove the objectionable construction which is subject matter of consideration for regularization.

3. In the aforesaid circumstances, we are of the opinion that the municipal corporation was under an obligation to take appropriate decision and/or communicate to the petitioner its view on the application as filed by the petitioner, in the event of any clarification before any final decision is

taken. However, it has not been done as stated by the petitioner.

4. As the application for regularization is pending consideration, we are of the opinion and it would be in the interest of justice that the petition is disposed of in terms of the following order:-

### ORDER

(i) The Competent Officer of the Municipal Corporation is directed consider the application of the petitioner dated 29 June 2022 submitted under the Online procedure, a copy of which is annexed at 'Exhibit H' (page 56 to the paperbook), within a period of two months from today.

(ii) In the event of any deficiencies/shortcomings on such application of the petitioner, the same be informed to the petitioner within 10 days from today.

(iii) A decision on merits of the said application be accordingly taken and be communicated to the petitioner.

(iv) Till the decision on the said application is taken, the impugned notice dated 25 May 2025 issued under Section 53 of the MRTP Act, shall not be acted upon.

5. The petition stand disposed of in the aforesaid terms. No order as to costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)