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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 416 OF 2025
WITH
INTERIM APPLICATION NO. 10295 OF 2025**

Manoj Jainath Yadav and Another ... Appellants

Vs.

Mumbai Metropolitan Regional ... Respondent
Development Authority

Mr. Drupad Patil a/w. Mr. Dhananjay Singh and Mr. Sanehit
Singh i/b. Mr. Shailesh Rai for the Appellants/Applicants.
Mr. Akshay P. Shinde for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 4th AUGUST 2025

ORDER :

1. This appeal arises out of dismissal of the application for interim protection from implementation of two separate notice dated 10th April 2024 issued to the respective plaintiffs (appellants) under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 ("MRTP Act").

2. Learned counsel for the appellants tendered affidavit-cum-undertaking dated 4th August 2025 of both appellants stating that the appellants would apply for regularisation of

the offending structure. The affidavit further states that if the regularisation application is not favourably decided the appellants would remove the offending structure, subject to the right of appeal as permissible in law. The affidavit-cum-undertaking dated 4th August 2025 is taken on record and marked "X" with today's date for identification. In view of the affidavit-cum-undertaking nothing would survive for further consideration in this appeal as well as in the suit.

3. In view of the undertaking given by the appellants, learned counsel for the respondent has no objection to grant time to the appellants to apply for regularisation. Hence, the appeal is disposed of by passing the following order :

(i) The affidavit-cum-undertaking given by the appellants as recorded in the undertaking dated 4th August 2025 is accepted as an undertaking to this court.

(ii) The appellants are permitted to apply for regularisation of the offending structure within three weeks from today.

(iii) If such application is filed, the same shall be

decided by the respondent within three weeks thereafter.

(iv) Copy of the decision shall be intimated to the appellants.

(v) If regularisation proposal is rejected, the appellants shall remove the offending structure within four weeks from the date of receipt of the decision on the regularisation application, subject to the appellants' right of appeal as permissible in law and subject to the orders that may be passed in the proposed appeal.

(vi) If regularisation application is not submitted within the time granted by this court, the respondent would be at liberty to implement the notices impugned in the suit.

(vii) In view of the permission granted to the appellants to apply for regularisation, the appellants are permitted to withdraw the suit.

(viii) All contention of the parties on merits are kept open.

(ix) Appeal is disposed of in the aforesaid terms.

(x) In view of disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]