

(2021) 11 BOM CK 0048

In the Bombay High Court

Case No : Miscellaneous Civil Application No. 2337, 2338, 2339, 2340, 2341, 2342 Of 2021(F) In Writ Petition No. 253, 254, 284, 285, 307, 1510 Of 2021(F)

Amina Bi Shaikh

APPELLANT

Vs

Chief Officer, Valpoi Municipal Council

RESPONDENT

Date of Decision : 10-11-2021

Acts Referred:

Citation : (2021) 11 BOM CK 0048

Hon'ble Judges : M. S. Jawalkar, J

Bench : Single Bench

Advocate : I. Agha, Ketan Morajkar, Luis Fernandes

Judgement

M. S. Jawalkar, J

1. Heard Learned Advocate Mr. I. Agha for the applicant.
2. It is submitted that the petitioners and respondents have withdrawn the complaints against each other. The property in possession is an ancestral property and parties are in relation to each other. In view of Section 184(21), it is submitted that the Chief Officer is empowered to regularize any construction on payment of fine equivalent to the fees and taxes payable in respect of such construction from the date of commencement of such construction, provided that such construction is as per the building bye-laws and complies with the provisions of any other law for the time being in force. It is further requested that they are residing in the said houses since 20 years and at least they be given an opportunity to pay penalty or any amount, as would be directed by the Municipal Council. It is also submitted that till the returnable date, they be protected, as they would be shelterless if demolition order is implemented.
3. It appears from the order dated 29/09/2021 that regularisation application was rejected by the Municipal Council. However, the petitioners submit that there was no proper opportunity given to the petitioners while deciding applications for

regularisation.

4. Without going into the merits of the matter, the Municipal Council is directed not to take any coercive measures as per order dated 29/09/2021, till the returnable date. The petitioners/applicants herein are directed to deposit Rs.20,000/-(Rupees Twenty Thousand only), in each petition, within a period of two days from today.

5. Issue notice to the respondents, returnable on 16/11/2021.

6. Mr. I. Agha, learned Advocate waives notice on behalf of respondent No.2 in MCA No.2337 of 2021(F).

7. Mr. Luis Fernandes, learned Advocate waives notice on behalf of respondent No.2 in MCA Nos.2338 of 2021(F), 2339 of 2021(F), 2340 of 2021(F), 2341 of 2021(F) and 2342 of 2021(F).

8. The parties to act on an authenticated copy of this order.