

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9546 OF 2013**

Mira Bhayandar Municipal Corporation : **Petitioner.**
Versus
Kailashnath Dubey & Ors. : **Respondents.**

Mr. N. R. Bubna for the Petitioner
Mr. Ashutosh Gole for the Respondent Nos.1 to 13 and 15

CORAM : R. M. SAVANT, J.
DATE : 24th December 2013

P.C.

1 The above Writ Petition arises out of the concurrent findings recorded by the Courts below in favour of the Respondents i.e. the original Plaintiffs and against the Petitioner Municipal Corporation. Both the courts below have by the orders passed on the application Exhibit 5 and thereafter confirmed in the Appeal which was filed by the Petitioner Municipal Corporation have restrained the Petitioner Municipal Corporation from demolishing the structure in question which is a building of 7 storeys. The learned Counsel appearing for the parties i.e. Mr. N. R. Bubna for the Petitioner and Mr. Gole for the Respondent Nos.1 to 15 (except Respondent No.14) tender Minutes of the Order bearing today's date. The said Minutes of the Order are signed on behalf of the Petitioner Municipal Corporation by its Law Officer Ms Sai Vadke and on behalf of the Respondents by the Respondent No.15 Vinod Vagashia who is the power of attorney holder for the other Respondents as also is the Chairman of

the society comprised of the flat purchasers as also the shop purchasers. By the said Minutes of Order the Respondents as also the purchasers of 15 flats and the shop purchasers have made a statement that they would apply for regularisation of the structure in question which would be a joint application by all the flat and shop purchasers. The Minutes of the Order provide the modalities as to the time frame within which the application is to be preferred as also the time frame within which it is to be decided. The Minutes of the Order also provide that the interim protection would continue till such time as the application for regularisation is decided which is provided by clause (1) and clause (3). The Minutes of Order are taken on record and marked as "X" for identification. The Minutes of Order are paginated as 1 to 3. The Petition is accordingly disposed of in terms of the said Minutes of Order.

[R.M.SAVANT, J]