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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.1978 OF 2015

Anil D.Nanavare ...Petitioner
vs.
Asstt.Controller Unauthorised
Construction, City and Industrial
Development Corporation of
Maharashtra Ltd. And another ...Respondent

Mr.Kishor S. Patil for the petitioner
Mr.V.P.Malvankar, A.G.P. `A' Panel for the
respondent No.2

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : MARCH 10, 2015

P.C.:

. Not on board. Taken on board.

1 Yesterday, this petition was dismissed for non prosecution and was mentioned by the learned counsel for the petitioner at the end of the day. On the oral prayer made by the learned counsel for the petitioner, writ petition is restored.

2 Affidavit of service is tendered across the bar. The same is taken on record and marked `X' for identification.

3 The learned counsel for the petitioner on instructions states that the petitioner intends to

apply for regularization of the structure subject matter of the impugned noticed dated 3rd February 2015. He states that the application for regularization will be made within a period of one month from today.

4 In view of this statement, we dispose of the petition by passing the following order:

- (I) It will be open for the petitioner to make an application for regularization of the structure subject matter of the notice dated 3rd February 2015 (Exhibit-D to the petition) to the City and Industrial Development Corporation of Maharashtra Limited (for short 'CIDCO') within a period of one month from today;
- (II) The application for regularization shall be made in a prescribed format through a licensed Architect;
- (III) If such application is made by the petitioner within a period of one month from today, the CIDCO shall decide the same within a period of two months from the date of which the said application is made;
- (IV) The order passed on the said application shall be communicated to the licensed Architect of the petitioner;
- (V) Till the date of communication of the order to the petitioner or to his licenced Architect, whichever is earlier, ad-interim relief granted on 25th February 2015 will continue to operate;

- (VI) If the order passed by the CIDCO be adverse to the petitioner, ad-interim relief as aforesaid shall continue to operate for a period of four weeks from the date of communication of the said order to the petitioner or to his licensed Architect, whichever is earlier;
- (VII) On the failure of the petitioner to apply for regularization within a period of one month from today, the protection granted to the petitioner shall cease to apply and it will be open for the respondent to proceed with the action of demolition;
- (VIII) We make it clear that we have made no adjudication on merits of the application for regularization and all contentions on merits are kept open;
- (IX) The petition is disposed of on above terms;
- (X) All concerned to act upon an authenticated copy of this order.

(A.K.MENON,J.)

(A.S.OKA,J.)