

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3098 OF 2015

Sanat Shetty ...Petitioner
vs.
The Municipal Corporation
of Greater Mumbai ...Respondent

Ms. Archana Khan for the Petitioner.
Ms. Pallavi Thakur for Respondent No. 1.

CORAM : A.S. OKA & A.P.BHANGALE, JJ

DATE : 24TH MARCH, 2015.

P.C.:

Not on board. Taken on board.

2] Heard learned counsel appearing for the
Petitioner and the learned counsel appearing
for the first Respondent.

3] The learned counsel for the Petitioner seeks leave to withdraw this Petition with liberty to apply for regularization of the

work/structure which is the subject matter of the impugned notice dated 28th February, 2015. The very fact that the Petitioner wants to apply for regularization shows that the Petitioner is accepting that the work/structure which is the subject matter of the impugned notice is unauthorized. Hence, we disposed of this petition by passing the following order:-

a) It will be open for the Petitioner to apply for regularization of the structure/work which is the subject matter of the impugned notice within a period of one month from today;

b) If such application is made within a period of one month from today, the same shall be decided by the Respondent - Municipal Corporation within a period of one month from the date of filing of such application;

c) The order passed on application be

communicated to the Petitioner or to his licenced Architect;

d) If the application for regularization is made within a period of one month from today, no action shall taken on the basis of impugned notice till the date of the communication of the order passed on the application to his Petitioner or to its licenced Architect, whichever is earlier;

e) If the order be adverse to the Petitioner, limited protection granted to the Petitioner shall continue for a period of 15 days from the date on which the order is served upon the Petitioner or his licenced Architect, whichever is earlier;

f) If the Petitioner fails to apply for regularization within a period of one month, it will be open for the Respondents to remove the said work/structure.

g) All the contentions are kept open.

h) The Petition is disposed of on above terms.

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

(A.P. BHANGALE, J.)

(A. S. OKA, J.)