

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER (ST.) NO. 8167 OF 2015
WITH
CIVIL APPLICATION (ST.) NO. 8169 OF 2015**

Mr. Amritpalsingh Jasvindersingh Sur	... Appellant
V/s.	
The Municipal Corporation of Gr. Mumbai	... Respondent

Mr. Y. K. Tiwari i/b S.R. Dubey for the applicant/appellant.
Mrs. M.R. Bhoir for the respondent/ Corporation.
Mr. Aaroskar, A.P I. attached to Mulund Police Station present.
Mr. P. T. Bhagat, P.S.I. attached to Mulund Police Station present.

**CORAM : K. K. TATED, J.
DATED : 26/03/2015.**

P.C.:

. Heard learned Counsel for the parties.

2 After arguing for some time, the learned Counsel Mr. Tiwari appearing on behalf of the appellant submits that he received instructions from his client who is present in the Court that Appellant may be permitted to withdraw the present Appeal from Order with liberty to file appropriate application with the respondent/corporation for regularisation of suit structure. He submits that in the present proceeding, predecessor of the Appellant handed over the set back area to the Corporation. He submits that FSI of the set back area is available

with them. So that they can make appropriate application to the Corporation for the regularisation. To that effect, Appellant filed affidavit of Mr. Amritpalsingh Jasvindersingh Sur dated 26.03.2015. Same is taken on record and marked 'X' for its identification.

3 Hence, the following order.

a) The Appellant is permitted to make appropriate application to the respondent/Corporation for regularisation of the suit structure within four weeks from today in prescribed format.

b) If such application is made within stipulated time as stated herein above, the respondent/Corporation is directed to decide the same within 12 weeks thereafter, and communicate their decision in writing either to the Appellant or his Advocate.

c) It is made clear that if, the Corporation required some additional documents to consider the Appellant's application for regularisation of the suit structure, they must call upon the Appellant by issuing notice in writing.

d) If application is not filed within stipulated time as stated herein above, respondent/Corporation are free to execute notice under Section 354(A) dated 11.03.2015.

e) Till the decision is communicated by the Corporation to the Appellant, parties are directed to maintain status quo in respect of suit property.

f) Appellant is permitted to withdraw the Appeal from Order as well as Civil Application.

g) Appeal from Order as well as Civil Application stand dismissed as withdrawn with liberty as prayed above.

(K.K.TATED, J.)