

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3815 of 2015

Mr. Gurunath Charu Patil. .. Petitioner
Vs
The City & Industrial Development
Corporation and Others. .. Respondents
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Shri S.D. Patil for the Petitioner.
Shri Ashutosh M. Kulkarni for Respondent Nos.1 to 3.
Mrs. M.P. Thakur, AGP for the Respondent No.4.
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CORAM : A.S. OKA & C.V.BHADANG, JJ
DATED : 20TH APRIL 2015

PC.

. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the First to Third Respondents and the learned AGP for the Fourth Respondent. The learned counsel appearing for the First to Third Respondents states on instructions that the action of demolition has not been taken on the basis of the impugned notice dated 16th May 2012 and that the Application for regularization made by the Petitioner which is at Exhibit-C to the Petition is not yet decided.

2. The learned counsel appearing for the Petitioner seeks a limited relief of issuing a direction to the concerned Respondents to decide the Application at Exhibit-C to the Petition which is filed on 31st May 2012. Thus, the Petitioner is accepting that the structure subject

matter of the impugned notice has been constructed without obtaining permission from the Competent Authority. Hence, we dispose of the Petition by passing the following order.

ORDER:

- (a) We direct the First to Third Respondents to decide the Application made by the Petitioner dated 31st May 2012 (Exhibit-C to the Petition) as expeditiously as possible and preferably within a period of two months from today;
- (b) The order passed on the Application for regularization be communicated to the Petitioner;
- (c) Till the date of communication of the order, action of demolition on the basis of the impugned notice dated 16th May 2012 shall not be taken subject to the condition that even the Petitioner shall maintain the status quo in all respects in respect of the structure in question;

- (d) If the order passed on the Application be adverse to the Petitioner, the aforesaid limited protection shall continue to operate for a period of one month from the date of service of the order to the Petitioner;
- (e) We make it clear that we have not made any adjudication on merits of the Application;
- (f) The Petition is disposed of on above terms.

(C.V.BHADANG, J)

(A.S. OKA, J)