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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6361 OF 2014**

Smt. Archana R. Patil and Ors.

... Petitioners

Vs.

Ulhasnagar Municipal Corporation and Ors.

... Respondents

Mr. Jaiwant S. Chandnani, for the Petitioners.

Mr. Suresh Madhukar Kamble, for the Respondents.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 30th JUNE, 2015

PC.

. The learned counsel appearing for the Petitioners has tendered an affidavit of the first Petitioner. The same is taken on record and marked 'A' for identification. On instructions, he states that the affidavit has been filed by the first Petitioner for herself and also on behalf of the second and third Petitioners. We accept the statements made in the said affidavit. However, we make it clear that as the impugned notice relates only to the third floor, this Court has not made any adjudication on the legality and validity of the other parts of the building. In view of what is stated in paragraph 5 of the affidavit, we dispose of the Petition by passing the following order :-

ORDER

- (i) The Petition is dismissed as withdrawn;
- (ii) It will be open for the Petitioners to apply for regularisation of the third floor within a period of six weeks from today. Application shall be submitted in the prescribed format through a licensed Architect. If such application is made within a period of six weeks from today, the same shall be decided by the first Respondent – Municipal Corporation within a period of six weeks from the date of filing of the application. The order passed on the application be communicated to the Petitioners or to their registered Architect;
- (iii) Till the date of communication of the order to the Petitioners or their registered Architect, whichever is earlier, action of demolition shall not be taken on the basis of notice dated 5th July, 2014 subject to condition that the Petitioners shall maintain status-quo as of today, in respect of the entire building;
- (iv) In the event, the order passed on the application for regularisation being adverse to the Petitioners, the limited relief granted as above shall continue to operate for a period of one month from the date on which the

order is served to the Petitioners or to their registered Architect, whichever is earlier;

- (v) On failure of the Petitioners to apply for regularisation within a period of six weeks from today, protection granted to the Petitioners shall cease to operate and on expiry of six weeks, the Municipal Corporation shall implement the notice dated 5th July, 2014 by carrying out the work of demolition.
- (vi) All contentions on merits of the application for regularisation are kept open;
- (vi) All concerned to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)