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

WRIT PETITION NO.8407 OF 2015

Dashrath Balu Mhatre

..Petitioner.

V/s.

City and Industrial Development Corporation and Anr. ..Respondents.

Mr.Anand Mishra i/b. Mr.Digambar R. Kawale for the petitioner.

Mr.Akshay Shinde for respondent No.1.

Mr.V.S.Gokhale, AGP for respondent No.2.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 31ST AUGUST, 2015

P.C. :-

1. The learned counsel for the petitioner on instructions states that the petitioner wants to apply for regularisation of the structure. Hence, he has accepted that the structure subject matter of the impugned notice has been constructed without obtaining permission of the competent authority. As the petitioner claims that the structure is in existence prior to 2005 and as he claims that there is a policy in existence which allegedly protects that structure, we permit him to apply for regularisation.

2. Hence, petition is disposed of by passing the following order:-

- (i) It will be open for the petitioner for apply for regularisation of the structure subject matter of the

impugned notice dated 1st January, 2013, within a period of one month from today;

- (ii) If such application is made, the first respondent shall decide the same within a period of two months from the date the application is received;
- (iii) The order passed on the application of the petitioner be communicated to the petitioner. Till the date of communication of the order, status quo as of 19th August, 2015 shall be maintained by the petitioner as well as by the first respondent in all respects;
- (iv) If the order be adverse to the petitioner, the order of status quo shall continue to operate for a period of four weeks from the date the order is communication to the petitioner;
- (v) If the petitioner fails to apply within the stipulated period of one month, on expiry of the period of one month from today, the demolition shall be taken up by the first respondent;
- (vi) All contentions are kept open;
- (vii) The petition is disposed of in the above terms.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)

C E R T I F I C A T E

I certify that this Judgment / Order uploaded is a true and correct copy of original signed Judgment / Order.

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