

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7940 OF 2014

Mrs. Ritu Kishore Bhatia. .. Petitioner
Vs
Kalyan Dombivali Municipal Corporation
and Others. .. Respondents
—
Ms. Manisha B. Gawde for the Petitioner.
Shri A.S.Rao for Respondent No.1.
—

CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 26TH JUNE 2015

PC.

1. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the first Respondent. The learned counsel appearing for the Petitioner states that the Petitioner will apply for regularization of the offending work subject matter of impugned order dated 14th August 2014. Thus, the Petitioner accepts the correctness of the order. Considering the nature of the illegal work mentioned in the said order, an opportunity deserves to be granted to the Petitioner to apply for regularization.

2. Accordingly, we dispose of the Petition by passing the following order:-

ORDER :

- (a) It will be open for the Petitioner to apply for regularization of the offending work subject matter of the impugned order dated 14th August 2014 (Exhibit-K to the Petition) by making an application in the prescribed format through a licensed Architect;
- (b) If such an application is made within a period of one month from today, the same shall be decided by the Kalyan Dombivali Municipal Corporation within a period of one month from the date on which application is filed;
- (c) The order passed on the application for regularization be communicated to the Petitioner or to her licensed Architect;
- (d) Till the date of communication of the order to the Petitioner or to her licensed Architect, whichever is earlier, no action of demolition shall be taken on the basis of the impugned order dated 14th August 2014;

- (e) If the said order be adverse to the Petitioner, limited protection granted as aforesaid shall continue to operate for a period of six weeks from the date on which the order is served to the Petitioner or to her licensed Architect, whichever is earlier;
- (f) On failure to make an application for regularization within a period of eight weeks from today, the protection granted to the Petitioner shall cease to apply and it will be open for the Kalyan Dombivali Municipal Corporation to take action on the basis of the impugned order dated 14th August 2014;
- (g) All contentions on the application for regularization are kept open;
- (h) The Petition is disposed of on above terms.
- (i) All concerned to act upon an authenticated copy of this order.