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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9002 OF 2015

Ashok K Bhatia and Anr.

..Petitioners.

V/s.

The Municipal Corporation of Gr. Mumbai and Anr.

..Respondents.

Mr.Mayur Khandeparkar i/b. Mr.Manish P. Gitay for the petitioners.
Ms.Pallavi Thakar for the respondents.

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

DATED : 7TH SEPTEMBER, 2015

P.C. :-

1. Not on board. Taken on board.
2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents. On the prayer made by the learned counsel for the petitioners, the petition is transferred to the original side. Consequential amendment shall be carried out within a period of one week from today.
3. The learned counsel for the petitioners on instructions states that the petitioners do not desire to apply for regularisation of the structure / work described in clauses 1 and 2 of the schedule to the impugned notice and as regards the construction described

in clause 3 of the schedule, the petitioners intend to apply for regularization.

4. We accept the statement. We make it clear that if the petitioners ultimately fail in the petition, they will not be entitled to apply for regularization of the construction described in clauses 1 and 2 of the schedule to the impugned notice.

5. Place the petition on 12th October, 2015 in the category of 'fresh matters'. In the meanwhile, by way of interim relief, we direct that no action in terms of notice dated 4th August, 2015 shall be taken till the next date. However, pendency of this petition will not prevent the Municipal Corporation from deciding the regularization application.

(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.