

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3085 of 2015
in
WRIT PETITION NO.10820 of 2015

Mohan Sitaram Patil. .. Applicant

In the matter between -

Umesh Rana. .. Petitioner

Vs

Vasai Virar City Municipal Corporation & Others. .. Respondents

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Shri S.G. Deshmukh i/b Shri Ramdas Shelke for the Applicant.

Shri Ashutosh R. Gole for the Petitioner.

Ms. Swati H. Sagvekar for the Respondent No.1.

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CORAM : A.S. OKA & G.S.PATEL, JJ
DATED : 18TH DECEMBER 2015

PC.

. Heard the learned counsel appearing for the Applicant and the learned counsel appearing for the Vasai Virar Municipal Corporation and the learned counsel appearing for the Writ Petitioner. Affidavit of the Applicant is taken on record and marked "X" for identification. We accept the undertakings therein.

2. In view of the undertakings, it will be open for the Applicant to make a fresh application for regularization in the prescribed format through his licensed Architect to the appropriate

officer of the Vasai Virar Municipal Corporation. Such application shall be filed within a period of two weeks from today.

3. If such application is made within a period of two weeks from today, the same shall be decided by the appropriate officer of the Municipal Corporation within a period of 60 days from the date of receipt of such Application. The order passed on the said application be communicated either to the Applicant or to his licensed Architect. Till the date of communication of the order passed on the said application to the Applicant or to his licensed Architect, whichever is earlier, the action of demolition shall not be taken in respect of the building in question.

4. If the order be adverse to the Applicant, the action of demolition shall not be taken for a period of two months from the date on which the order is communicated either to the Applicant or to his licensed Architect, whichever is earlier to enable the Applicant to comply with the undertakings and to hand over the possession of the building in question to the Vasai Virar Municipal Corporation for demolition thereof. We direct the Applicant to hand over possession of the building in question in terms of the said undertakings within the said period of two months.

5. On the failure of the Applicant to make an application within a period of two weeks from today, the protection granted under this order shall cease to apply and it will be open for the Municipal Corporation to take action of demolition.

6. All the questions on the Application for regularization are kept open;

7. The Application is disposed of on above terms.

8. For reporting compliance, the main Writ Petition shall be fixed for directions on 6th April 2016.

(G.S.PATEL, J)

(A.S. OKA, J)