

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12476 OF 2015**

Smt. Fandana Vishwanath Salvi	...Petitioner
<i>Versus</i>	
The Managing Director, CIDCO & Ors.	...Respondents

Mr. Rahul Thakur for the Petitioner.
Mr. B. B. Sharma for the Respondent Nos. 1 to 4.
Mr. V. S. Gokhale, AGP for the Respondent Nos. 5 to 9.

CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 15th December 2015

PC:-

1. Not on board. Taken on board.

2. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent Nos. 1 to 4 as also the learned counsel appearing for the Respondent Nos. 5 to 9.

3. The learned counsel appearing for the Respondent Nos. 1 to 4 states that the application for regularization made by the Petitioner on 15th October 2015 (Exhibit "D" to the Petition) is still pending, which will be decided within a period of two months from today. We accept the said statement. We have perused the

undertaking of the Petitioner which is affirmed on 15th December 2015. Only in view of the undertaking that we inclined to grant a limited protection to the Petitioner. Hence, we pass the following order:

- (a) The undertaking of the Petitioner is accepted;
- (b) We direct the Respondent Nos. 1 to 4 to decide the application dated 15th October 2015 (Exhibit “D” to the Petition) as expeditiously as possible and in any event within a period of two months from today;
- (c) The order passed on the application shall be communicated to the Petitioner;
- (d) Till the date of communication of the order, the action of demolition shall not be taken on the basis of notice dated 22 January 2015 (Exhibit “C” to the Petition), subject to the condition that the *status quo as of today* in respect of the structure shall be maintained in all respects by the Petitioner. If the the order be adverse to the Petitioner, the limited protection granted to the Petitioner will continue for a period of 90 days from the date on which the order is served on the Petitioner;
- (e) The Petition is disposed of on the above terms.
- (f) All concerned to act on an authenticated copy of this order.

- (g) For considering the compliance, the Petition shall be listed on 6th April 2016 under the caption of directions.

(G. S. PATEL, J.)

(A. S. OKA, J.)