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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1311 OF 2014

Bipin Mohanlal Thakker & Ors. ...Petitioners
vs.
Municipal Corporation of
Brihanmumbai & Ors. ...Respondents

Mr.Prathamesh Kamat i/b Vaibhav Patankar for the
petitioners
Ms K.R.Punjabi for the respondent No.1
Mr.D.A.Nalawade, GP for State
Mr.Rakesh Mishra i/b H.S.Shekhawat for respondent
No.5

CORAM : A.S.OKA, &
 A.K.MENON, JJ.
DATE : FEBRUARY 23, 2015

P.C.:

1 On instructions of the petitioners, the learned counsel appearing for the petitioners states that the petitioners want to withdraw this petition as they want to apply for regularization of the construction subject matter of the impugned notice dated 31st January 2014.

2 As the petitioners are withdrawing this petition and are willing to apply for regularization, it is obvious that the petitioners have accepted that the construction subject matter of the impugned notice is unauthorised. The learned counsel for the Municipal Corporation states that the structure cannot be regularized. However, it is

for the concerned Authority to decide this issue only after considering the application made by the petitioners.

3 Hence, we dispose of this petition by passing the following order:

- (I) Writ Petition is dismissed as withdrawn;
- (II) If an application for regularization in a prescribed format is made by the petitioners through a licensed Architect within a period of one month from today, the Municipal Corporation shall decide the same as expeditiously as possible and in any event within a period of two months from the date on which the application is made;
- (III) The order passed on the application shall be communicated to the petitioners or to the licensed Architect of the petitioners;
- (IV) Till the date of communication of the order passed on the said application to the petitioners or to their licensed Architect, ad-interim relief granted on 17th February 2014 by this Court shall continue to operate;
- (V) If the order passed on the application made by the petitioners be adverse to the petitioners, ad-interim relief shall continue to operate for a period of three weeks from the date on which the order is served upon the petitioners or their licensed Architect, whichever is earlier;
- (VI) On the failure of the petitioners to make

an application for regularization within a period of one month from today, the protection granted to the petitioners under this order will come to an end and it will be open for the Municipal Corporation to take action of demolition;

(VII) We make it clear that we have made no adjudication on merits of the application for regularization proposed to be made by the petitioners;

(VIII) All concerned to act upon an authenticated copy of this order.

(A.K.MENON, J.)

(A.S.OKA, J.)