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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2028 OF 2014

Farida Pestonji Raja ..Petitioner.  
V/s.  
Mumbai Municipal Corporation & Anr. ..Respondents.  
  
Mr.Pradeep J. Thorat for the petitioner.  
Ms.K.R.Punjabi for respondent-BMC.

**CORAM : A.S.OKA AND  
A.K. MENON, JJ.**

**DATED : 13TH FEBRUARY, 2015**

**P.C. :-**

1. The learned counsel appearing for the petitioner states that the petitioner will make an application for regularization of the structure - subject matter of the notice dated 25<sup>th</sup> January, 2014 within a period of one month from today. We accept the said statement. In view of the said statement, the petition is disposed of by passing the following order:-

- (i) If the petitioner makes an application for regularization of the structure in question within a period of one month from today through a licensed Architect, the same shall be decided by the first respondent Municipal Corporation within a period of three months from the date of filing of the application;
- (ii) The order passed on the application be communicated by the first respondent either to the petitioner or to her licensed

Architect;

- (iii) Ad-interim relief granted by this Court on 24<sup>th</sup> June, 2014 will continue to operate till the date of communication of the order passed on the application to the petitioner or to the licensed Architect, whichever is earlier;
- (iv) If the order be adverse to the petitioner, the ad-interim relief will continue to operate for a period of one month from the date on which the order is served to the petitioner or to the licensed Architect, whichever is earlier;
- (v) If the petitioner fails to apply for regularization of the structure within a period of one month from today, the protection granted shall cease to operate and on expiry of the period of one month from today, it will be open for the respondents to take action on the basis of the impugned notice;
- (vi) We make it clear that we have not adjudicated upon the merits of the application for regularization which may be made by the petitioner;
- (viii) The petition is disposed of in the above terms;
- (ix) All parties to act on an authenticated copy of this order.

**(A.K.MENON, J.)**

**(A.S.OKA, J.)**