

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (St.) NO.1765 OF 2015

Mr. Ayub F. Merchant. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents
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Shri Hardik Vyas for the Petitioner.
Shri Vimal Tiwari, AGP for Respondent No.1.
Shri Vinod Mahadik for Respondent Nos.2 and 3.
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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 18TH JUNE 2015

PC.

. Not on board. Taken on board.

2. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the second and third Respondents. The learned AGP represents the first Respondent.

3. The learned counsel appearing for the Petitioner on instructions accepts that the structure subject matter of the impugned order has been constructed without obtaining valid permission of the Competent Authority. He, however, seeks liberty to apply for regularization.

4. In view of the statement made by the learned counsel appearing for the Petitioner on instructions, we dispose of the Petition by passing the following order.

ORDER :

- (a) It will be open for the Petitioner to apply for regularization of the structure in question by making an application in the prescribed format through a licensed Architect;
- (b) If such application is made within a period of one month from today, the same shall be decided by the Mumbai Municipal Corporation within a period of two months from the date on which application is filed;
- (c) The order passed on the application for regularization be communicated to the Petitioner or to his licensed Architect;
- (d) Till the date of communication of the order to the Petitioner or to his licensed Architect, whichever is

earlier, no action of demolition shall be taken on the basis of the impugned order dated 12th June 2015;

- (e) If the said order be adverse to the Petitioner, limited protection shall continue to operate for a period of four weeks from the date on which the order is served to the Petitioner or to his licensed Architect, whichever is earlier;
- (f) On failure to make an application within a period of one month from today, it will be open for the Mumbai Municipal Corporation to demolish the structure in question;
- (g) All contentions on the application for regularization are kept open;
- (h) The Petition is disposed of on above terms.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)