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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.1853 OF 2015

Mr. Vipul S/o Vinod Agarwal

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. A.M. Saraogi, for Petitioner.

Mr. Amit Shastri, AGP, for Respondent – State.

Mr. Vinod Mahadik, for Respondent – BMC.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 30th JUNE, 2015

PC.

. **Not on board. Taken on board.**

. This Petition was fully argued yesterday. When this Court was inclined not to interfere, the learned counsel appearing for the Petitioner sought time to take instructions whether the Petitioner is willing to remove the M.S. Steel collapsible gate. At this stage, the learned counsel appearing for the Petitioner states that the Petitioner will remove M.S. Steel collapsible gate referred to in the impugned notice at Exhibit-D. We accept the said statement.

2. The learned counsel appearing for the Petitioner states he will apply for regularisation of the remaining objectionable work and for grant of permission to put up collapsible gate.

3. In view of the aforesaid statements, we pass the following order :-

ORDER

- (i) We grant time of one week to the Petitioner to remove M.S. Steel collapsible gate referred to in the impugned notice dated 12th June, 2015. Only if the collapsible gate is removed within a period of one week from today, it will be open for the Petitioner to make an application for regularisation and/or for grant of permission to fix M.S. Steel collapsible gate. Such application shall be made within the period of four weeks from today;
- (ii) If such application is made within the stipulated period of four weeks from today, appropriate authority of the Mumbai Municipal Corporation shall decide the same within a period of six weeks from the date of filing of the application. Order passed on the application be communicated to the Petitioner;

- (iii) Till the date of the communication of the order, M.S. Grill referred to in the Schedule to the impugned notice dated 12th June, 2015 shall not be removed by the Municipal Corporation. If the order be adverse to the Petitioner, the said protection shall continue to operate for a period of three weeks from the date on which the order is served to the Petitioner;
- (iv) We make it clear that application for regularisation shall be entertained only if the Petitioner removes M.S. Steel collapsible gate within a period of one week from today;
- (v) All contentions on merits are kept open;
- (vi) The Petition is disposed of on above terms.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)