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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1911 OF 2015

M/s. Shalimar Exhibitors

..Petitioner.

V/s.

The Municipal Corporation of
Greater Mumbai and Ors.

..Respondents.

Mr. S.R. Nargolkar i/b. Ms. Meenakshi Sakhare for the petitioner.
Mrs.Shobha Ajitkumar for respondent Nos. 1 and 2 BMC.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 26TH OCTOBER, 2015

P.C. :-

1. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first and second respondents. The learned counsel appearing for the petitioner, on instructions, states that the petitioner will apply for regularisation of the work subject matter of the notice dated 1st May, 2015 and the impugned order dated 24th June, 2015 within a period of two weeks from today. We accept the said statement.

2. The very fact that the said statement is made shows that the petitioner has accepted that the work subject matter of the impugned order has been carried out without obtaining permission from the competent authority.

3. Hence we dispose of the petition by passing the following order :-

- (i) It will be open for the petitioner to apply for regularisation of the work subject matter of the impugned order dated 21st June, 2015 within a period of two weeks from today. The application shall be made in a prescribed format through a Licensed Architect;
- (ii) If such application is made within the stipulated period, the respondents shall dispose of the same within a period of sixty days from the date on which the application is made;
- (iii) The order passed on the application shall be communicated to the petitioner or to his Licensed Architect;
- (iv) Till the date of communication of the order to the petitioner or to his Licensed Architect, whichever is earlier, action of demolition shall not be taken on the basis of the impugned order dated 21st June, 2015, subject to the condition of the petitioner maintaining status quo as of today in respect of the property in question;

- (v) If the order be adverse to the petitioner, the aforesaid limited protection shall continue to operate for a period of one month from the date on which the order is communicated to the petitioner or to the License Architect, whichever is earlier;
- (vi) All contentions on merits of the application proposed to be made are kept open;
- (vii) On failure of the petitioner to make an application for regularisation within the stipulated period of two weeks from today, it will be open for the Municipal Corporation to implement the order dated 21st June, 2015;
- (viii) The petition is disposed of in the above terms;
- (ix) All concerned to act upon an authenticated copy of this order.

(V.L.A CHLIYA, J.)

(A.S.OKA. J.)