

pmw

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

WRIT PETITION (L.) NO.2195 OF 2015

Shri. Prashant Vichare

... Petitioner

Versus

The Municipal Corporation of Greater Mumbai

... Respondent

Mr. Pranil Sonawane, for the Petitioner.

Mrs. Geeta Joglekar, for the Respondent - BMC.

**CORAM : A.S. OKA &
K.R. SHRIRAM, JJ.**

DATE : 19th AUGUST, 2015

PC.

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

. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent. The learned counsel appearing for the Petitioner states that the Petitioner desires to apply for regularisation of the structures subject matter of the impugned order dated 17th July, 2015. He seeks a longer time to apply for regularisation on the ground that the Petitioner wants to rely upon certain old documents and it will take some time to collect the documents. The Petitioner has tendered an undertaking which is taken on record and marked 'X' for identification. The undertaking contained therein are

accepted. In view of the undertaking, longer time deserves to be granted to the Petitioner to apply for regularisation as the Petitioner has undertaken to demolish the structure subject matter of the impugned order if his application for regularisation is rejected.

2. Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) It will be open for the Petitioner to make an Application for regularisation of the offending structure subject matter of order dated 17th July, 2015 within a period of six months from today. Application shall be in the prescribed format which shall be submitted through a licensed Surveyor/ licensed Architect;
- (ii) The Application shall be decided within a period of two months from the date on which it is filed. The order passed on the Application for regularisation made by the Petitioner shall be communicated to the Petitioner and/ or to his licensed Architect/ licensed Surveyor;
- (iii) Till the date of communication of the order passed on the application for regularisation to the Petitioner or to his licensed Architect/ Surveyor, whichever is earlier, the action of demolition shall not be taken on the basis of

the impugned order dated 17th July, 2015;

- (iv) If the order be adverse to the Petitioner, the action of demolition shall not be taken for a period of two weeks from the date of service of the said order to the Petitioner or to his licensed Architect/Surveyor, whichever is earlier. We make it clear that this protection for a period of two weeks is granted only with a view to enable the Petitioner to comply with clause 3 of the undertaking tendered today and marked 'X' for identification. If the Petitioner fails to make an Application for regularisation within a period of six months from today, the Municipal Corporation shall forthwith take steps to demolish the structure subject matter of order dated 17th July, 2015 on expiry of a period of six months from today;
- (v) All contentions of the Petitioner on the Application for regularisation are kept open;
- (vi) We make it clear that even the Petitioner shall maintain the status-quo as of today in respect of the structure subject matter of the notice.

(K.R. SHRIRAM, J)

(A.S. OKA, J)