

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L.) NO.2425 OF 2015**

Foodlink Restaurants (India) Pvt. Ltd. ... Petitioner

Versus

Municipal Corporation of Greater Mumbai ... Respondent

Mr. Mohit P. Jadhav , for the Petitioner.

Mrs. Geeta Joglekar, for the Respondent.

**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 Respondent. The learned counsel appearing for the Petitioner on instructions states that the Petitioner will apply for regularisation of the structure subject matter of notice dated 17th July, 2015 in prescribed format through a licensed Architect/ Surveyor within a period of two weeks from today. We accept the statement. The very fact that the Petitioner has agreed to apply for regularisation shows that the Petitioner has accepted that the structure subject matter of the notice dated 17th July, 2015 has been erected

without obtaining permission of the Competent Authority. 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 structure subject matter of the impugned notice within a period of two weeks from today. The application shall be in prescribed format which shall be made through licensed Architect/ Surveyor;
- (ii) Application shall be decided by the Municipal Corporation within a period of two months from the date on which the same is made. Order passed on the application be communicated to the Petitioner or to the licensed Architect/ Surveyor of the Petitioner;
- (iii) Till the date of communication of the order to the Petitioner or his licensed Architect/Surveyor, whichever is earlier, the action of demolition shall not be taken on the basis of notice dated 17th July, 2015 subject to condition that even the Petitioner shall maintain status-quo in respect of the said structure. If the order be adverse to the Petitioner, the same protection will continue to operate for a period of four weeks from the date on which the order is communicated to the Petitioner or to his licensed

Architect/ Surveyor, whichever is earlier;

- (iv) On the failure of the Petitioner to apply for regularisation within a period of two weeks from today, the Municipal Corporation shall proceed to demolish the structure;
- (v) All contentions on the merits of the application which may be made by the Petitioner are kept open;
- (vi) The Petition is disposed of;
- (vii) All concerned to act upon an authenticated copy of this order.

(K.R. SHRIRAM, J)

(A.S. OKA, J)