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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L NO.2797 OF 2015)

Kamana Co-operative Housing Society Ltd.

..Petitioner.

V/s.

The Municipal Corporation of
Greater Mumbai and Anr.

..Respondents.

Mr.Atharwa A. Dandekar i/b. Anantkumar Laxman Gore for the
petitioner.

Mr.Vinod Mahadik for respondent No.1.-BMC.

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

DATED : 13TH OCTOBER, 2015

P.C. :-

1. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the Mumbai Municipal Corporation. Perused the earlier order dated 29th September, 2015. Today, an affidavit of one Shri Prarbhakar D. Kamath is tendered across the bar by the learned counsel appearing for the petitioner. He submits that it will take some time to obtain the necessary documents for regularisation and, therefore, a reasonable time may be granted to make an application for regularisation. Accordingly, we grant time of six weeks to the petitioner for applying for regularisation.

2. The fact that the petitioner has agreed to apply for regularisation shows that the petitioner has accepted that the work subject matter of the impugned notice dated 26th August, 2015 has been carried out without proper authorisation / permission.

4. 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 notice dated 26th August, 2015 within a period of six weeks from today;
- (ii) The application shall be made by the petitioner in the prescribed format and through a Licensed Architect;
- (iii) If such application is made, the Municipal Corporation shall take appropriate decision on it within a period of sixty days from the date on which the application is made;
- (iv) The order passed on such application be communicated to the petitioner or the Licensed Architect of the petitioner;
- (v) Till the service of the order to the petitioner or to its Licensed Architect, whichever is earlier, no further steps shall be taken

on the basis of the notice dated 26th August, 2015;

- (vi) If the order be adverse to the petitioner, no steps shall be taken on the basis of the notice dated 26th August, 2015 for a period of one month from the date on which the order is served upon the petitioner or his Licensed Architect, whichever is earlier;
- (vii) On the failure of the petitioner to apply for regularisation within a period of six weeks from today, it will be open for the Municipal Corporation to take action in terms of notice dated 26th August, 2015;
- (viii) All contentions on merits of the regularisation application are kept open;
- (ix) The petition is disposed of accordingly.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)