

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2923 OF 2015

Mr.Vishal Kanade a/w Ranjeev Carvelho i/b Sanjay
Gawade for Petitioner
Mr.Amit Shastri, AGP for the respondent No.1
Ms Shobha Ajitkumar for BMC.

P.C.:

1 Heard the learned counsel for the petitioners,
the learned AGP for the first respondent and the
learned counsel for the Mumbai Municipal
Corporation. The learned counsel for the
petitioners on instructions states that the
petitioners will apply for regularization of the
offending work subject matter of the final
order/notice dated 7th October 2015 which is impugned
in this petition.

2 As the petitioners have stated that they want to apply for regularization, it is obvious that the petitioners admit that the work subject matter of the impugned notice has been carried out without any

authorization. Considering the nature of work subject matter of the final order/notice, we permit the petitioners to apply for regularization.

3 Accordingly, we pass the following order:

- (I) It will be open for the petitioners to apply for regularization of the work subject matter of the impugned notice dated 7th October 2015 within a period of one month from today by making an application in a prescribed format through their licensed Architect;
- (II) If such application is made within stipulated period of one month, the Municipal Corporation will decide the same within a period of 60 days from the date of Application;
- (III) Order passed on the application for regularization be communicated to the petitioners or to their licensed Architect;
- (IV) Till the date of communication of the order to the petitioners or to their licensed Architect whichever is earlier, the order dated 7th October 2015 shall not be implemented;
- (V) If the said order be adverse to the petitioners, the order dated 7th October 2015 shall not be implemented for a period of one month from the date on which the order is served to the petitioners or to their licensed Architect, whichever is earlier;
- (VI) On the failure of the petitioners to apply for regularization within one month from today, it will be open for the Mumbai Municipal

Corporation to take action in terms of the order dated 7th October 2015;

(VII) All contentions of the parties on merits of the application for regularization are kept open.

(VIII) Writ Petition is disposed of on above terms.

(V.L.ACHLIYA, J.)

(A.S.OKA, J.)