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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.3168 OF 2015

Anandiben Bhagubai Patel & Anr. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Atul Damle, Senior Counsel a/w Ms Shakuntala
Joshi, Nikita Pawar and Jalpa Pithadia i/b S.J.Joshi
& Co.for the Petitioners
Ms Shobha Ajitkumar for the respondent Nos.2 to 4.

CORAM : A.S.OKA, &
 G.S.PATEL,JJ.
DATE : DECEMBER 16, 2015

P.C.:

1 The learned senior counsel for the petitioners on instructions states that the petitioner will make an application for regularization of the offending structure subject matter of impugned order dated 20th October 2015 within a period of one month from today. His submission is that the petitioners may be permitted to rely upon the various Government Circulars and policies in support of the application for regularization and the Municipal Corporation be directed to consider the said documents. His submission is that the work subject matter of the impugned order exists right from the year 1956.

2 The prayer made by the learned senior counsel for the petitioners deserves to be accepted.

3 Accordingly, we pass the following order:

- (I) It will be open for the petitioner to make an application for regularization in respect of the work subject matter of the impugned order dated 20th October 2015 (Exhibit T to the petition) within a period of one month from today;
- (II) The application shall be filed in a prescribed format through licensed Architect in the office of Executive Engineer (Building Proposal), City;
- (III) It will be open for the petitioner to produce Government Circulars/policies along with the application for regularization;
- (IV) The Application for regularization shall be decided within a period of 60 days from the date of its filing. The Municipal Corporation shall consider the effect of the Government Circulars/policies which may be produced by the petitioner along with the application for regularization;
- (V) The order passed on the application for regularization shall be communicated to the petitioners or their licensed Architect;
- (VI) Till the date of communication of the order passed on the application for regularization to the petitioners or their licensed Architect, whichever is earlier, the impugned order dated 20th October 2015 shall not be acted upon;
- (VII) If the order passed on the application for regularization be adverse to the petitioners,

the impugned order shall not be acted upon for a period of one month from the date of communication of the said order to the petitioners or their licensed Architect, whichever is earlier;

(VIII) All contentions on merits are kept open;

(IX) All concerned to act upon an authenticated copy of this order.

(G.S.PATEL,J.)

(A.S.OKA,J.)