

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***APPEAL OF THE ORDER (ST) NO. 10220 OF 2016
ALONG WITH
CIVIL APPOLICATION (ST) NO. 10221 OF 2016***

Shiv Shankar N. Patro

... Appellant/Applicant

v/s

Municipal Corpn. of Gr. Mumbai

... Respondent

Mr.Anand Mishra i/by A.M.Sarogi for the appellant/applicant.

Mrs.M.R.Bhoir for the respondent B.M.C.

CORAM: N.M. JAMDAR, J.

DATED : 5 APRIL 2016

P.C.:

Taken on production board in view of the *praecipe* filed by the Appellant/Applicant.

2 Learned counsel for the Appellant, on instructions states that the Appellant is desirous of making an application for regularization. This argument presupposes that the Appellant accepts the position that the structure is not legal. The learned counsel states that the Appellant will make an application for regularization with all necessary documents within a period of six weeks from today. Learned counsel undertakes that no further time

will be sought. On this condition, six weeks period is granted.

3 If an application is made within a period of six weeks from today, as aforesaid, the structure will not be demolished for a period of eight weeks thereafter. The Corporation will dispose of the application within six weeks of the receipt of the application, as per law and on its own merits. It is clarified that this Court has not made any comment as regard the right of the Appellant to make an application for regularization and his entitlement.

4 In view of the above position, the suit itself does not survive. Liberty to place the copy of this order on the file of the suit for the learned City Civil Court Judge to pass an appropriate order for disposal of the suit.

5 If the application is not made within the stipulated period, the Corporation will proceed to remove the structure without giving any further notice.

6 The appeal is accordingly disposed of with the civil application.

(N. M. JAMDAR, J.)