

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

***REVIEW PETITION (ST) NO. 21970 OF 2016
IN
APPEAL FROM ORDER NO. 379 OF 2016***

Mohammed Umer Abdullah Shaikh ... Petitioner

v/s

Municipal Corporation of Gr. Mumbai ... Respondent

Mr.Mihir Desai, senior advocate along with Amrut Joshi and Nikhil Mishra for the petitioner.

Mr.P.J. Thorat along with Ms.Madhuri More for the respondent BMC.

Coram: N.M. Jamdar, J.

Dated: 9 August 2016

P.C.:

Not on board. Taken on production board in view of the *praecipe* filed by the review Petitioner.

2 Heard learned counsel for the parties.

3 The delay in filing the review petition is condoned. Review petition is taken up for consideration.

4 By an order dated 4 April 2016, the statement made by the learned counsel for the Appellant that the Appellant is not contesting the conclusion reached by the Municipal Corporation that the

structure in question is not legal, however, the Appellant is desirous of approaching to the Municipal Corporation for regularization, was recorded and accepted. Thereafter the appeal from order was again moved before the learned Single Judge, R.M.Savant, J., on 4 August 2016, wherein the learned Single Judge referred to the order dated 4 April 2016 and thereafter passed certain directions. Learned senior advocate for the Appellant submitted that the statement that the entire structure is not legal recorded in the order dated 4 April 2016 was not correctly made. This submission cannot be accepted. It is upon this statement the Corporation was restrained from demolishing the structure and time was granted to dispose of the application for regularization. No such application was made for review within the time stipulated. It is after availing the time period given in the order under review as well as the order dated 4 August 2016 that the present review petition is moved. No case is made out for review of the order dated 4 April 2016. The review petition is accordingly rejected.

5 Learned counsel for the Appellant seeks further directions in the review petition. It is not possible to give any such direction.

6 By rejection of the review petition, the only position emerges that the order dated 4 April 2016 is confirmed.

(N. M. Jamdar, J.)