

Mr. Birendra Saraf with Mr. Anwar Patel i/b. M/s. Mulla & Mulla & CBC for the Petitioners.
Mrs. M.P. Thakur, AGP for the State.

DATED : 30th AUGUST, 2016.

Heard Mr. Saraf, the learned counsel for the Petitioners and
Mrs. Thakur, Additional Government Pleader for the Respondent -State.
None appears for Respondent Nos.1 to 3 despite service.

3. The very fact that the Petitioners desire to apply for regularisation shows that they have accepted that they have erected the

structure in question, which is the subject matter of the impugned notice without obtaining permission from the Competent Authority.

4. In view of the aforesaid statement, we dispose of the petition by passing the following order:

- (i) It will be open for the Petitioners to apply for regularisation of the offending structures subject matter of the impugned notices at Exhs.A to E within a period of two months from today. The applications shall be made in a prescribed form through a licensed Architect.
- (ii) If such applications are made within the stipulated period of two months from today, the same shall be decided by the first respondent-Municipal Corporation within a period of two months from the date on which the applications are filed.
- (iii) If the Petitioners fail to apply for regularisation, within the stipulated time of two months, it will be open for the first respondent to take action in accordance with impugned notices at Exhs. A to E.
- (iv) The orders passed on the applications for regularisation shall be communicated to the Petitioners or to their

licensed Architects.

- (v) Till the date of communication of the orders to the Petitioners or to their licensed Architect, whichever is earlier, no action shall be taken on the basis of the impugned notices at Exhs. A to E.
- (vi) If the orders be adversely to the Petitioners, action on the basis of the impugned notices shall not be taken for a period of one month from the date of communication of the orders to the Petitioners or to their licensed Architect, whichever is earlier;
- (vii) All contentions on merits are kept open;
- (viii) The writ petition is disposed of on above terms;

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)