

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

***APPEAL FROM ORDER (ST) NO. 29838 OF 2015
WITH
CIVIL APPLICATION (ST) NO. 29839 OF 2015***

Mr.Ajazzuddin G. Shaikh ... Appellant/Applicant
v/s
Municipal Corpn. Of Gr. Mumbai. ... Respondent

Mr.Rakesh Kumar i/by V.S.Jabra for the appellant/applicant.
Mrs.M.R.Bhoir for Resp. Nos.1 and 2- B.M.C.
Mr.Sanjiv Sawant for Resp. No.3.

***CORAM: N.M. JAMDAR, J.
DATED : 5 APRIL 2016***

P.C.:

Learned counsel for the Appellant, after arguing the matter for some time, states that the Appellant is desirous of approaching the Municipal Corporation in respect of his prayer for regularization and reconstruction of the structure. Learned counsel for Respondent No.3 states that the Appellant is not entitled for regularization or reconstruction. Learned counsel for the Municipal Corporation states that the structure is already demolished. Be that as it may, since the appellant wants to approach the Planning Authority for certain grievances of his and that the order has been passed by this Court on 11 December 2015, which is continued till date, I am of the opinion that the appeal can be disposed of by extending the same. The position contemplated under the order

dated 11 December 2015 will continue for a period of eight weeks from today. In case the Appellant makes any application to the Municipal Corporation in respect of his prayers, the same will be decided by the Corporation as per law within the period of six weeks thereafter. It is made clear that I have not commented on the merits of the rival contentions and that the issue is left open for the Corporation to decide.

2 The appeal is accordingly disposed of by keeping all the contentions open of the parties.

3 The civil application is disposed of in view of disposal of the appeal.

4 Learned counsel for the Appellant states that the notice of motion be expedited. It is open to the Appellant to make such request to the City Civil Court, who will consider the same as per the time schedule available to it.

5 Learned counsel for the Appellant then submits that, it may be clarified that the impugned order is a *prima facie* observation and the notice of motion be disposed of on its own merits. It is not necessary to separately clarify the position which is self-evident.

(N. M. JAMDAR, J.)