

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

APPEAL FROM ORDER (L) NO.31359 OF 2016
WITH
CIVIL APPLICATION (L) NO.31361 OF 2016
IN
APPEAL FROM ORDER (L) NO.31359 OF 2016

Razzak Abbas Khan

...Appellant

Versus

The Municipal Corporation of Greater
Mumbai

...Respondent

Mr. Pradeep J. Thorat for the Appellant.
Mrs. M. R. Bhoir for BMC.

CORAM : G.S. KULKARNI, J.

DATE : 17 NOVEMBER 2016.

P.C. :

. Not on board. Taken on board.

2. Heard Mr. Thorat, learned counsel for the appellant.

3. This appeal is directed against an order dated 15/11/2016 passed by learned Trial Judge whereby Notice of Motion No.3370/2016 in Suit No.3061/2016 filed by the Appellant/plaintiff stands rejected.

4. I have heard Mr. Thorat on this Appeal from order. After some discussion Mr. Thorat, learned counsel for the appellant submits that the appellants intend to apply to the Municipal Corporation seeking

regularization of the unauthorized construction as complained in the impugned notice dated 16/4/2016 issued under section 351 of the Mumbai Municipal Corporation and pursuant to which final order dated 28/10/2016 has been passed for removal of the said unauthorized construction.

5. Mr. Thorat submit that the appellants would make the necessary application for regularization of the unauthorized construction within a period of 4 weeks from today. The competent officer of the Municipal Corporation shall consider the application for regularization within a period of 4 weeks thereafter and pass an order on the said proposal of the appellant/plaintiff in accordance with law.

6. Till such time the regularization proposal is made and decided by the Municipal Corporation, the Municipal Corporation shall not take any coercive action in pursuance of the impugned notice dated 16/4/2016, which is the subject matter of challenge in the suit.

7. In view of this, Appeal from Order does not require further adjudication, it is accordingly disposed of. No order as to costs. Civil Application (L) NO.31361/2016 does not survive and the same is accordingly disposed of.

(G.S.KULKARNI, J.)