

Amk

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

**APPEAL FROM ORDER (STAMP) NO. 31475 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 31477 OF 2016**

Mrs. Romila wd/o Rakesh Gupta	.. Appellant
Vs.	
Municipal Corporation of Gr. Mumbai	.. Respondent

Mr. Vaibhav A. Sugdare a/w. Mr. Tripathi i/b Om Prakash Singh for the Appellant.

Mr. Sonawane a/w. Mrs. M. S. Bhoir for the Respondent-BMC.

Mr. Bhadane, Jr. Engineer, (Building and Factory) H/E Ward present.

CORAM : G. S. KULKARNI, J.

DATE : 24th NOVEMBER, 2016.

P. C. :

1. Not on board. Taken on board on a precept as moved on behalf of the appellant.

2. Heard learned counsel for the appellant and learned counsel for the Municipal Corporation. After the matter was heard for sometime, learned counsel for the appellant on instructions seeks leave to withdraw this appeal as the appellant intends to make an application to the Municipal Corporation seeking regularization of the unauthorized construction as complained in the notice dated 17.03.2016 issued by the Municipal Corporation under Section 351 of the MMC Act, 1888. It is submitted that the appellant would make an application for regularization of the said construction within four weeks from today. If so made, the

Municipal Corporation shall consider and decide the same within six weeks. In the meantime till such application is decided, the Municipal Corporation shall not proceed to take any coercive action in pursuance of the said notice dated 17.03.2016. The learned counsel for the respondent-Municipal Corporation states that such application be made by the applicant to the appropriate authority, namely, Executive Engineer, Building and Factory, Municipal Corporation, Mumbai and not to any other officer. The learned Counsel for the appellant states that the appellant shall do so.

3. Needless to observe that if the appellant fails to make an application for regularization of the unauthorized construction within four weeks from today, then in that case the protection being granted by this order shall not be available and the Municipal Corporation will be at liberty to take appropriate action under the said notice dated 17.03.2016.

4. Accordingly, appeal is allowed to be withdrawn and disposed of as such.

5. In view of the disposal of the appeal, Civil Application (Stamp) No. 31477 of 2016 stands disposed of.

[G. S. KULKARNI, J.]