

Amk

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

**APPEAL FROM ORDER NO. 1030 OF 2016
WITH
CIVIL APPLICATION NO. 1303 OF 2016**

M/s. Gaylord Restaurant	.. Appellant
Vs.	
Municipal Corporation of Gr. Mumbai	.. Respondent

Mr. Umesh Shetty for the Appellant.
Mr. P. J. Thorat for the Respondent.

CORAM : G. S. KULKARNI, J.
DATE : 14th DECEMBER, 2016.

P. C. :

1. After this appeal was heard for some time, Mr. Umesh Shetty, learned counsel for the appellant on instructions states that the appellant would submit an application/proposal for regularization of the unauthorized structure being subject matter of the notice dated 06.01.2016. Mr. Shetty makes a statement that the appellant would apply to the Designated Officer, namely, Executive Engineer (Building and Proposal) within four weeks from today. If such an application is made within the period of four weeks, then the respondent-Municipal Corporation shall consider the same in accordance with law and pass appropriate orders thereon. In the meantime, till such time the application is made and it is considered and decided by the Municipal Corporation, the Municipal Corporation shall not take any coercive action in respect of the appellant's structure being subject matter of the Suit notice dated 06.01.2016 issued under Section

351-A of the MMC Act. Ordered accordingly.

2. The Appeal from Order is, accordingly, permitted to be withdrawn and disposed of as such.

3. As the appellant intends to approach the Municipal Corporation for regularization of the said unauthorized structure, Mr. Shetty, learned counsel for the appellant on instructions states that the appellant seeks leave to withdraw L. C. Suit No. 781 of 2016. Accordingly, L. C. Suit No.781 of 2016 is allowed to be withdrawn and disposed of as such.

4. The office to forward the copy of this order to the Registrar, City Civil Court, Mumbai to record the disposal of L. C. Suit No. 781 of 2016.

5. Needless to observe that if the regularization proposal as submitted by the appellant does not find favour with the respondent-Municipal Corporation, the Municipal Corporation shall not take any coercive action for a further period of two weeks from the date of communication of the order.

6. In view of the disposal of the Appeal from Order, Civil Application No. 1303 of 2016 does not survive and stands disposed of.

[G. S. KULKARNI, J.]