

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2504 OF 2016

Mr. Hitesh Shah

...Petitioner

Versus

Municipal Corporation of Greater
Mumbai & Ors.

...Respondents

...

Mr. Rajesh Patil i/b. M/s. Mahesh Jani & Co. for the Petitioner.
Mrs. Shobha AjitKumar for BMC.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 22nd SEPTEMBER , 2016.

P. C. :

Heard the learned counsel appearing for the Petitioner and
the learned counsel for Respondent-BMC.

2. By this petition filed under section 53 (1) of the M.R.T.P. Act
the Petitioner is challenging the notice dated 8th July, 2016 issued by
the Municipal Corporation of Greater Mumbai and order dated 31st
August, 2016 issued under section 53 (6) of the M.R.T.P. Act.

3. Mr. Patil, the learned counsel for the Petitioner on
instructions states that the Petitioner wants to file application for

regularisation of the offending structure. Thus, the Petitioner has accepted that the subject offending structure is not authorised. We are inclined to grant liberty to the Petitioner to apply for regularisation of the offending structure under sub section 3 of section 53 of the M.R.T.P. Act. We accordingly dispose of the petition by passing following order :

- a) The Petitioner is granted liberty to file regularisation application within a period of four weeks from today for regularisation of offending structure / subject structure.
- b) In the event such application is filed within the stipulated time, the competent authority of the Mumbai Municipal Corporation shall decide the same in accordance with law.
- c) During the pendency of said application both parties to maintain status quo regarding the offending structure.
- d) In the event any order adverse to the interest of the Petitioner, same shall not be implemented for a period of two weeks from the date of service thereof on the Petitioner.
- e) It is made clear that we have not gone into the

merits of the matter and all points and contentions of the respective parties are kept open. The competent authority shall decide Petitioner's application for regularisation independently on its own merit.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)