

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1027 OF 2017

Smt Kumud Shashikant Patil and others	... Petitioners
v/s	
City Industrial Development Corporation Ltd. and another	... Respondents

Mr Sandeep Mishra i/b Mr P. Mishra for Petitioners.
 Mr S. Diwan i/b Mr A.M. Kulkarni for Respondent No.1.
 Mr S.V. Marne for Respondent No.2.

**CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.**

DATE : JANUARY 27, 2017

P.C.:

1. Heard parties through their counsel. Feeling aggrieved by the notice dated 28th December 2016 (Exh.'C') issued by Respondent No.1, the Petitioners have filed this Petition.

2. According to the Petitioners, the Petitioners have time to submit an application for redevelopment and before filing the said Application and before its disposal, the action of the Respondent No.1 to demolish the Petitioners' structure in question may not be legal.

3. We find that after receipt of the notice dated 28th December 2016, the Petitioners have not yet filed any Application for regularisation. The learned counsel for the Petitioners submits that the Petitioners shall submit the Application for regularisation within 10 days. We record the statement made by the learned counsel for Petitioners and dispose of this Petition by observing that in case the Petitioners submit application for regularisation within 10 days from today, the Respondent No.1 to consider the same and take appropriate decision on it. In case the Application for regularisation is not filed within 10 days, the Respondent No.1 is free to proceed with the matter in accordance with law. If the Application is submitted, till its decision no demolition on the basis of impugned notice shall take place. Needless to say if the application is allowed, then also there would be no question of demolition.

4. Writ Petition is disposed of accordingly.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)