

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO.16765 OF 2017
WITH
CIVIL APPLICATION (ST) NO.16768 OF 2017

Dineshkumar Lalchand Jain	...Appellant
<i>Versus</i>	
Municipal Corporation of Greater Mumbai	...Respondent

Mr Atul Damle, Senior Advocate, i/b Suresh M Sabrad, for the
Appellant.
Mrs Madhuri More, for Respondent No.1/MCGM .

CORAM: G.S. PATEL, J
DATED: 23rd June 2017

PC:-

1. On instructions, Mrs More for the Municipal Corporation of Greater Mumbai (“MCGM”) states that the only portion of the structure that is the subject matter of the MCGM’s notice is the second floor, i.e., the construction above the existing ground and first floor. She tenders a colour photograph on which the portion that is the subject matter of the notice is marked. The photograph is taken on record and marked ‘X’ for identification with today’s date.

2. It is also clarified that the structure is not part of a slum but is on private land.

3. In view thereof, Mr Damle for the Appellant seeks liberty to make an application for regularization. If that application is made on or before 14th July 2017, complete in all respects, the Executive Engineer (Building Proposals), Eastern Suburban, will consider and dispose of the application on merits on or before 4th August 2017. In this view of the matter, the MCGM agrees not to proceed against the second floor structure for which the notice in question was issued until 4th August 2017. If the decision of the Executive Engineer is against the Appellant, the MCGM will not proceed against the subject structure for a period of three weeks thereafter.

4. The Appeal itself is disposed of in these terms with no order as to costs.

5. In view of disposal of the Appeal, the Civil Application does not survive and is disposed of as infructuous.

6. Parties agree that this order will dispose of the suit itself. Parties will appear before the Trial Court on 30th June 2017 with an authenticated copy of this order and request the Trial Court to pass an appropriate order disposing of the Suit. That order will be reckoned towards the Trial Court's disposals.

(G. S. PATEL, J.)