

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

**APPEAL FROM ORDER NO.949 OF 2015
WITH
CIVIL APPLICATION NO.1160 OF 2015
IN
APPEAL FROM ORDER NO.949 OF 2015**

Smt.Radha Vithal Shetty ..Appellant/Applicant
V/s.
Municipal Corporation of Greater
Mumbai & Ors. ..Respondents

Ms.Purna Lalchandani for the Appellant/Applicant.

Ms.M.M. More for the Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 01 FEBRUARY 2017.

P.C.

1. Ms.Purna Lalchandani appears for the appellant and
Ms.More appears for the Respondent-MCGM.

2. Ms.Lalchandani states that the appellant has already
applied to the MCGM for regularization of the disputed structure.
She submits that at least until such application for regularization is
considered, the MCGM be restrained from taking any action in
pursuance of the impugned notice under Section 53(1) of the MRTP

Act.

3. Since, the appellant has applied for regularization, it means that the appellant concedes that the structure in question is unauthorized. Specifically in order to enable Ms.Lalchandani to obtain instructions in this regard the matter was adjourned for some time. Ms.Lalchandani reported back to submit that the appellant will proceed with the application for regularization and not press the plea that the structure was authorized. Since this is the position, the request made by the Ms.Lalchandani is reasonable.

4. Accordingly, the MCGM to dispose of the application made by the appellant for regularization within a period of eight weeks from today. During this period and if, for any exceptional reason, the application remains to be disposed of for the further period of two weeks thereafter, the MCGM shall not act on the basis of the impugned notice under Section 53(1) of the MRTP. However, the MCGM has to take some decision on the application for regularization within a period of eight weeks from today or at the highest 10 weeks from today. Necessary compliance to be lodged before the City Civil Court without fail.

5. The application for regularization to be disposed of in accordance with the law and on its own merits.

6. The appeal is disposed of as aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)