

Amk

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

WRIT PETITION NO. 13466 OF 2017

Jagdish Krishna Shetty
(M/s. Hotel K. Night)

.. Petitioner

Vs.

The Municipal Commissioner,
Mira-Bhayander Municipal Corporation & Ors.

.. Respondents

Ms. Veena Thadhani for the Petitioner.

Mr. N. R. Bubna for the Respondent No.1.

Ms. Nisha Mehra, Additional Government Pleader

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**

DATE : 8th DECEMBER, 2017.

JUDGMENT

Rule. Rule made returnable forthwith.

The writ petition is heard finally at the stage of admission with the consent of the learned counsel for the parties.

By this writ petition, the petitioner seeks a direction restraining the respondents from demolishing any part of the restaurant of the petitioner without following the due process of law. The petitioner has also sought an order restraining the respondent from taking an action for demolition without deciding the application of the petitioner for regularisation.

It is submitted on behalf of the petitioner that though the petitioner has made an application for regularisation of the structure and the same is pending with the corporation, the petitioner apprehends that the restaurant of the petitioner would be demolished without following the due process of law as the restaurants in the nearby locality are demolished.

Shri Bubna, the learned counsel for the respondents state that if the petitioner has made an application for regularisation, the application would

be decided within a reasonable time in accordance with law.

In view of the statement made by the learned counsel for the respondents, we dispose of the writ petition with a direction to the respondents to decide the application of the petitioner for regularisation of the restaurant in accordance with law. The petitioner would be entitled to submit additional documents in support of the application for regularisation within three weeks. It is needless to mention that till the application of the petitioner is decided by the respondents, the respondents would be restrained from taking any coercive steps for the demolition of the restaurant. The rule is made absolute with the aforesaid terms with no order as to costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]