

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2120 OF 2014

Jameel Ahmed Hussain Qureshi. .. Petitioner
Vs.
The State of Maharashtra and Another. .. Respondents
—
Shri A.M. Saraogi for the Petitioner.
Shri K.R. Trivedi, AGP for the Respondent No.1 State.
Ms.Vandana Mahadik for the Respondent No.2 BMC.
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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 8TH JUNE 2017

PC.

1. The learned counsel appearing for the Petitioner seeks permission to withdraw this Petition with liberty to apply for regularization of the offending structure which is subject matter of the impugned notice dated 18th November 2013. He seeks limited protection to enable him to apply for regularization and to enable the Municipal Corporation to decide the regularization application. Accordingly, we dispose of the Petition by passing the following order:

ORDER :

(a) The Petition is disposed of as withdrawn;

- (b) It will be open for the Petitioner to make an Application for regularization of the structure subject matter of the impugned notice dated 18th November 2013 within a period of three months from today. Needless to add that the Application shall be made through a Licensed Architect in accordance with the relevant regulations;
- (c) If such Application is made accordingly within a period of three months from today, the Municipal Corporation shall decide the same within a period of 60 days from the date on which such an Application is received by it;
- (d) Order passed on the Application be communicated to the Petitioner or to the Licensed Architect of the Petitioner;
- (e) Till the date of communication of the order to the Petitioner or to the Licensed Architect of the Petitioner, no action shall be taken on the basis of the impugned order dated 18th November 2013;

- (f) If Application for regularization is rejected, the limited protection granted under this order shall continue to operate for a period of 15 days from the date on which the order is communicated to the Petitioner or to the Licensed Architect appointed by the Petitioner, whichever is earlier;
- (g) On the failure of the Petitioner to make an Application for regularization within a period of three months from today, the protection granted to the Petitioner shall cease to apply and it will be open for the Municipal Corporation to implement the impugned notice;
- (h) We make it clear that we have made no adjudication on the entitlement of the Petitioner to seek regularization;
- (i) All concerned to act upon an authenticated copy of this order.