

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2582 OF 2017

**Udyog Kshetra Indl. Premises Co-
operative Society Ltd.**

...Petitioner

Versus

**The Municipal Corporation of
Greater Mumbai & Anr.**

...Respondents

Ms. Manjiri S. Parasnis, for the Petitioner.

Ms. Sheetal Mane, for the Respondent-MCGM.

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

DATE : 14 November 2017

ORDER :

By this writ petition, the petitioner challenges the order of the Corporation, dated 25th April 2017 asking the petitioner to remove the illegal structure of the Solar Power Plant.

Since we had found that the impugned notice was rightly served by the respondent-corporation on the petitioner under the relevant provisions of Act, the learned counsel for the petitioner submitted that the petitioner is ready for seeking the regularisation of the structure. It was stated on the last date of hearing by the learned counsel for the petitioner that the petitioner would apply to the concerned department

for retaining the structure and/or the regularization thereof.

Ms. Mane, the learned counsel for the Corporation on instructions from the respondents, states that it would be necessary for the petitioner to make an application before the building proposal department and the said department would take an appropriate decision as per the policy.

In pursuance of the statement made by the learned counsel for the corporation, the learned counsel for the petitioner states that the petitioner would make an application to the said department within two weeks.

In view of the aforesaid, we dispose of the writ petition with permission to the petitioner to make an application to the building proposal department within two weeks and with a direction against the respondent-authority to decide the application of the petitioner in accordance with law and consider the regularizing the structure as the petitioner appears to have erected the G.I. sheet and MS angle for the work of Solar Power Plant. It is needless to mention that till the application of the petitioner is decided by the corporation, the impugned notice shall not be acted upon.

Order accordingly. No costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]