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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3611 OF 2017**

Radhe Shyam Bholanath Yadav

... Petitioner

Vs.

The Municipal Corporation of Greater Bombay & Anr. ... Respondents

Mr. Mohit P. Jadhav for the Petitioner.

Ms. Shital Mane for the Respondent – BMC.

**CORAM : A.S. OKA &
M.S. SONAK, JJ.**

DATE : 19th DECEMBER, 2017

PC.

. Not on Board. Taken on Board.

1 Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2 The learned counsel appearing for the petitioner, on instructions, states that the petitioner is not pressing the Petition on merits as he wants to apply for regularisation of the structure subject matter of impugned notice and impugned order.

3 The very fact that the petitioner intends to apply for regularisation shows that the petitioner has accepted that the structure subject matter of impugned notice and impugned order is illegal.

4 Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) The Petition is disposed of as not pressed;
- (ii) It will be open for the petitioner to make an application for regularisation of the subject structure through a licensed architect by online mode within the period of two months from today;
- (iii) If such an application is filed by the petitioner within the stipulated time, the same shall be decided within a maximum period of 60 days from the date of filing of the application. Order passed on the application be communicated to the petitioner or to the petitioner's licensed architect;
- (iv) We direct that till the date of communication of the decision on the regularisation application to the petitioner or to his licensed architect, whichever is

earlier, action of demolition on the basis of the impugned notice and impugned order shall not be taken;

- (v) If the order be adverse to the petitioner, the aforesaid limited protection shall continue to operate for a period of four weeks from the date on which this order is served to the petitioner or to his licensed architect, whichever is earlier;
- (vi) We make it clear that on the failure of the petitioner to apply for regularisation as aforesaid within a period of two months from today, the protection granted to the petitioner shall come to an end and the Municipal Corporation shall forthwith take action of demolition;
- (vii) All concerned to act upon authenticated copy of this order.

(M.S. SONAK, J)

(A.S. OKA, J)