

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 544 OF 2018
IN
WRIT PETITION NO. 6512 OF 2015

Sou.Surekha Vasant Chougule. ... Applicant.
V/s.
The Pune Municipal Corporation and others. ... Respondents.

Mr.Shriram S. Kulkarni for the applicant.
Mr.Abhijit P. Kulkarni for respondent Nos.1 and 2.
Mrs.R.A.Salunkhe, AGP for respondent No.4.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 8th March 2018.

PC.:

Non on board. Taken up on board.

2. Heard the learned counsel for the applicant/petitioner and the learned counsel for respondent Nos.1 and 2. As the third respondent was not present when the writ petition was disposed of, it is not necessary to serve the notice on the third respondent.

3. The applicant has tendered an undertaking affirmed today which is taken on record and marked "U-1" for identification. Only in the light of undertaking contained in paragraph-6 thereof that by way of indulgence we extend the time as prayed for.

4. Accordingly, we dispose of this civil application by passing the following order:

- (i) Ad-interim relief continued vide order dated 6th December 2017 will continue to operate for a period of three months from today to enable the applicant to apply for regularization;
- (ii) The undertaking of the applicant marked as “U-1” for identification is accepted. We make it clear that in view of the undertaking given in paragraph-6 thereof we are extending the time. No further extension will be granted;
- (iii) If the application which may be made by the applicant for regularization is rejected by the Planning Authority, the structure subject matter of the writ petition shall be removed by the applicant within a period of four weeks from the date on which rejection of the said application is communicated to the applicant/petitioner;
- (iv) On the failure of the applicant to remove the structure within the stipulated period of four weeks, apart from other remedies available to the first respondent, it will be open for the first respondent to take action for demolition without further notice to the applicant.
- (v) Civil application is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)