

*rrpillai***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 1784 OF 2018**

Owners Court Co-op Housing
Society Ltd. And Ors.

... Petitioner

vs.

Municipal Corporation of Greater
Mumbai and Ors.

... Respondents.

Mr. S. N. Vaishnav a/w. Ms. N. J. Mukherjee i/b. N. N. Vaishnawa & Co. for the
Petitioner.

Ms. Dhruiti Kapadia a/w. Ms. Pooja Yadav for the Respondent.

CORAM : A.K. MENON, J.

DATE : 4th SEPTEMBER, 2018

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1. Learned counsel for the petitioner states that the petitioner society has already applied for regularisation of the structure being a toilet block by application dated 26th April, 2018. His grievance is that the application for regularisation is still not decided. However, learned counsel for the Corporation states that the structure does not exist. The fact that the petitioner's application for regularisation is pending is not seriously disputed by the Corporation but a copy is not annexed to the petition.

2. This petition can be disposed of at the stage of admission itself. By consent taken up for hearing forthwith. The petition challenges the notice under section 351 and an order passed pursuant to the said notice. Proceeding on the assumption

that the toilet block exists at site as contended by Mr.Vaishnav and if the petitioner's application for regularisation is still pending, it is appropriate that the Corporation decides the application after granting an opportunity to the society to be heard in the matter. Accordingly, I pass the following order :

- (i) Society's application for regularisation dated 26th April, 2018 shall be decided by the respondent corporation.
- (ii) If the petitioner is desirous of filing any further documents or submissions, they shall be filed with the appropriate authority (Building proposal department) within a period of two weeks from today. No extension of period shall be sought.
- (iii) If documents or submissions are filed, the corporation shall hear and decide the application within a period of eight weeks of date of such filing by passing a reasoned order. If no documents or submissions are filed the corporation shall decide as aforesaid within eight weeks from today,
- (iv) If the structure is found to be existing and if the order is adverse to the petitioner , no coercive steps shall be taken for a period of four weeks after the application is decided.

(A.K. MENON, J.)

Rajeshwari
Ramesh
Pillai

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