

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

WRIT PETITION (LDG.) NO. 659 OF 2018

Zainbunnisa Haji Yusuf Patni. ... Petitioner.
V/s.
The Municipal Corporation of Gr.Mumbai. ... Respondent.

Mr.Aakash Rebello i/b. Mr.M.R.Mishra for the petitioner.

Mr.H.C.Pimple for the respondent- MMC.

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 petitioner and the learned counsel appearing for the respondent- Municipal Corporation. An undertaking of the petitioner is taken on record and marked "X" for identification. In view of the undertaking, a reasonable time deserves to be granted to the petitioner to apply for regularization. The undertaking is that either the petitioner herself will apply for regularization or will cause a legally entitled person to make such an application.

3. In view of the undertaking and in view of what is observed in the order dated 28th February 2018, we dispose of this petition by passing the following order:

- (i) The undertaking of the petitioner tendered today and marked as “X” for identification is accepted;
- (ii) It will be open for the petitioner or the person mentioned in the undertaking to apply for regularization. The application for regularization shall be made through a licensed Architect by online mode within a period of two months from today;
- (iii) It will also be open for the petitioner to contend in the said application for regularization that the petitioner’s structure is protected by a lawful policy binding on the respondent- Corporation;
- (iv) The application for regulation shall be decided by the Municipal Corporation within a period of sixty days from the date on which the said application is made;
- (v) The decision taken on the said application for regularization shall be communicated to the Architect. Till the communication of the decision to the Architect, the ad-interim order dated 24th February 2018 will operate on the same terms;
- (vi) In the event the application for regulation be rejected, the said ad-interim order will continue to operate for a period of four weeks from the date of communication of the order to the petitioner's Architect;

(vii) We make it clear that we have not made any adjudication on the regularization application which may be made by the petitioner;

(viii) We also make it clear that on the failure to make such regularization application within a period of two months from today, the ad-interim relief granted on 24th February 2018 and continued by this order will cease to operate;

(ix) The petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)