

Sharayu Khot.

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

WRIT PETITION (L) NO. 953 OF 2018

Ganesh & Rajendra Associates & Ors. ...Petitioners

Versus

**The Municipal Corporation of Greater ...Respondents
Mumbai & Ors.**

Mr. Arshil Shah, for the Petitioners.

Ms. Pallavi Thakar, for the Respondent-MCGM.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 22 March 2018

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the

Petitioners and the learned Counsel appearing for the Respondent-MCGM.

3. It appears from *Exh.D* to the Petition that the Application for regularization submitted by the Petitioners has been rejected on the ground of the failure to produce certain documents as mentioned in *Exh.D*. The learned Counsel appearing for the Petitioners states that the Petitioners will make a fresh Application for regularization. We accept the said statement.

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

(i) It will be open for the Petitioners to make a fresh Application for regularization through an architect by online mode within a period of two weeks from today;

(ii) If the fresh Application is made, the same shall

be decided within a period of 60 days from the date of filing of the Application;

(iii) The order passed on the Application will be communicated to the Petitioners' architect;

(iv) Till the date of communication of the order to the Petitioners' architect, no action shall be taken by the Respondents on the basis of the notices issued at *Exh.A1* to *Exh.A3* under Sub-Section 1 of Section 53 of the Maharashtra Regional and Town Planning Act, 1966;

(v) If the order on regularization application be adverse to the Petitioners, the aforesaid protection shall continue for a period of four weeks from the date on which the order communicated to the Petitioners architect;

(vi) It will always open to the Municipal

Corporation to take action on the basis of the notices issued at *Exh.A1* to *Exh.A3*, if the Petitioners fail to apply for regularization within the stipulated period of two weeks;

- (vii) All contentions for Application for regularization are kept open.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]