

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

WRIT PETITION NO. 1660 OF 2017

Swastik Production Pvt.Ltd. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Mr.Akshay Kapadia i/b. Mr.Shekhar Jagtap for the petitioner.
Ms.Jyoti Chavan, AGP for respondent No.1.
Ms.Pallavi Thakar for the respondent Nos.2 and 3- MMC.

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

DATE : 10th July 2018.

P.C.:

Not on board. Taken up on board.

2. The learned counsel appearing for the petitioner, on instruction, states that the petitioner will submit a proposal for regularization of the work subject matter of the notice dated 24th September 2016 within a period of one month from today. We accept the said statement. Considering the nature of illegal work mentioned in the notice dated 24th September 2016, an opportunity deserves to be granted to the petitioner to make one more application for regularization as the earlier application was rejected on technical grounds.

3. Accordingly, we dispose of the petition by passing the following order:

Sanjay
Kashinath
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- (i) It will be open for the petitioner to make an application for regularization in a prescribed form and by a prescribed mode through an Architect to the second respondent within a period of one month from today. If such an application is made, the second respondent shall pass appropriate order on the said application within a period of sixty days from the date on which the application is filed;
- (ii) The order passed on the said application shall be communicated to the petitioner's Architect. Till the date of communication of the order to the petitioner's Architect, the notice dated 24th September 2016 shall not be acted upon;
- (iii) If the application for regularization is rejected, the said notice shall not be acted upon for a period of one month from the date on which intimation of rejection of the regularization application is served to the petitioner's Architect;
- (iv) On failure of the petitioner to apply for regularization within the the stipulated period of one month from today, it will be open for the Municipal Corporation to take action on the basis of the notice dated 24th September 2016;
- (v) We make it clear that we have made no adjudication on the merits of the regularization application proposed to be made;
- (vi) Writ petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)