

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

WRIT PETITION NO. 2036 OF 2015

Trevor Joseph Fernandes of Mumbai. ... Petitioner.
V/s.
The Municipal Corporation of Greater Mumbai
and another. Respondents.

Mr.Mohan A. Dharmaraj for the petitioner.
Ms.Pallavi Thakar for the respondent- MMC.

CORAM : A.S.OKA AND P.N.DESHMUKH, JJ.

DATE : 29th January 2018

PC.:

The challenge in this petition under Article 226 of the Constitution of India is to the notice dated 27th March 2015 issued under section 55 of the Maharashtra Regional and Town Planning Act, 1966 (for short “MRTP Act”) and the subsequent order dated 24th April 2015. By the said order, the petitioner was directed to remove illegal construction mentioned in the notice dated 27th March 2015.

2. The learned counsel appearing for the petitioner, on instruction, states that the petitioner will apply for regulation of the structure subject matter of the impugned notice. We accept the said statement. As the petitioner has agreed to apply for regularization, the

petition need not be kept pending and the same is disposed of by the following order:

- (i) It will be open for the petitioner to make an application for regularization through a licensed Architect in a prescribed format by Online method within a period of one month from today;
- (ii) If such an application is made, the appropriate authority of the Municipal Corporation shall decide the same as expeditiously as possible and, in any event, within a period of sixty days from the date of filing of the application;
- (iii) The decision taken on the application shall be communicated by the Municipal Corporation to the petitioner's Architect. Till the date of communication of the decision, an action of demolition shall not be taken on the basis of the impugned notice and the impugned order. If the decision be adverse to the petitioner, the action of demolition shall not be taken for a further period of three weeks from the date of communication of the decision to the petitioner;
- (iv) All contentions on merits of the regularization application are kept open;
- (v) The petition is disposed of in the above terms.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)