

pmw

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

WRIT PETITION NO.1872 OF 2013

Mr. Pravin s/o Tarachand Agarwal and Anr.

... Petitioners

Vs.

The State of Maharashtra and Anr.

... Respondents

Mr. Anand Mishra i/by Mr. A.M. Saraogi for the Petitioners.

Mr. Rajiv Mane, AGP for the Respondent – State.

Ms. Vandana Mahadik for the Respondent – BMC.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 7th MARCH, 2018

PC.

1 Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent. The only prayer made in this Petition under Article 226 of the Constitution of India is for issuing a writ of mandamus directing the second respondent – Municipal Corporation to decide the application for regularisation made by the petitioners through their Architect a copy of which is annexed as Exhibit – C. The learned counsel appearing for the second respondent has placed on record a photocopy of communication dated 14th March, 2013 issued by the Executive Engineer (B.P) City – III. The

said letter is addressed to the Architects of the petitioners. The letter shows that a copy thereof has been forwarded to the first petitioner. The said letter records that the application for regularisation made on 11th February, 2013 by the petitioners has been rejected.

2 We are not entering into the controversy whether the said letter was served to the petitioners' Architect or the first petitioner. However, we direct the Advocate for the second respondent to supply a copy of the said letter to the Advocate for the petitioners.

3 Considering the limited prayer made in the Petition, the same does not survive and the same is accordingly disposed of. We make it clear that we have made no adjudication on the merits of the order of rejection of the proposal for regularisation and all contentions and remedies are kept open.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)