

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

WRIT PETITION NO. 2753 OF 2014

Prabhakar Menka Shetty. ... Petitioner.
V/s.
The Assistant Commissioner, T-Ward,
Mumbai Municipal Corporation and others. ... Respondents.

Mr.Chirag Kamdar with Ms.Dhawani Bokaria i/b. M/s.Purnanand & Co.
for the petitioner.
Ms.Vandana Mahadik for the respondent- MMC.
Ms.Amit Shastri, AGP for the respondent- State.

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

DATE : 12th February 2018.

PC.:

The learned counsel appearing for the petitioner, on instruction from the petitioner, states that the petitioner will apply for regularization of the structure subject matter of the impugned notice dated 15th June 2011. We accept the said statement.

2. The very fact that the petitioner has made a statement to apply for regularization shows that the petitioner has accepted the correctness of the impugned notice.

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

- (i) It would be open for the petitioner to apply for regularization through a licensed Architect by Online mode within a period of six weeks from today;
- (ii) The application, if made by the petitioner within the stipulated period of six weeks from today, shall be decided by the appropriate officer of the Municipal Corporation within a period of sixty days from the date on which the application is filed online;
- (iii) The order passed on the regularization application shall be communicated to the Architect of the petitioner. Till the communication of the order, no action shall be taken on the basis of the impugned notice;
- (iv) If the order be adverse to the petitioner, no action on the basis of the impugned order shall be taken for a period of four weeks from the date of communication of the said order;
- (v) We make it clear that on the failure of the petitioner to apply for regularization within the stipulated period of six weeks from today, it will be open for the Municipal Corporation to take action on the basis of the impugned notice dated 15th June 2011;
- (vi) All contentions of the parties on merits of the regularization application are kept open;
- (vii) The petition is disposed of accordingly.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)