

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

WRIT PETITION NO. 412 OF 2017

Laxmi Ventures India Limited. ... Petitioner.
V/s.
The Municipal Corporation of Greater Mumbai. ... Respondent.

Mr.H.S.S.Murthy i/b. Mr.Abhishek Patil for the petitioner.
Ms.Vandana Mahadik for the respondent- MMC.

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

DATE : 12th February 2018.

P.C.:

The learned counsel appearing for the petitioner, on instruction, states that the petitioner will apply for regularization of the work subject matter of the notice dated 11th April 2016 and the order dated 30th June 2016. Accordingly, an Undertaking of the petitioner is tendered across the bar. The same is taken on record and marked "X" for identification. In view of the said Undertaking, now the challenge to the impugned notice and the impugned order will not survive and we pass the following order:

- (i) It will be open for the petitioner to make an application for regularization of the subject work/ structure by Online Mode within a period of one month from today. The application shall be made through a licensed Architect;

- (ii) If such an application is made within one month from today, the same shall be decided by the Municipal Corporation within a period of sixty days from date of filing of the application. The order passed on the said application shall be communicated to the Architect of the petitioner;
- (iii) Till the date of communication of the order to the licensed Architect of the petitioner, an action of demolition on the basis of the impugned notice or the impugned order shall not taken;
- (iv) If the order be adverse to the petitioner, the action of demolition shall not be taken for a period of four weeks from the date on which the order is served upon the petitioner's Architect;
- (v) The undertakings given by the petitioner in the Undertaking which is taken on record and marked "X" for identification are accepted;
- (vi) In the event the application for regularization is rejected and the appeal preferred by the petitioner against the said order is rejected, on the failure of the petitioner to remove the work within the time stipulated in clause-4 of the Undertaking, the Municipal Corporation shall remove the said work/structure without further notice to the petitioner;
- (vii) The petition is disposed of in the above terms.

(P.N.DESHMUKH, J.)

(A.S.OKA, J.)