

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST.) NO.15080 OF 2019
ALONG WITH
CIVIL APPLICATION (ST.) NO.15081 OF 2019**

Balvinder Singh Raghuvir Singh Rainu ... Appellant
Versus
The Municipal Corporation of
Greater Mumbai ... Respondent

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Mr. Mohit P. Jadhav for Appellant.
Mrs. M. More for Respondent/M.C.G.M.
Mr. Balvinder Singh Raghuvir Singh Rainu, Appellant present in Court.
Officer of M.C.G.M. present in Court.
Mr. Rajesh V. Kargutkar, Junior Engineer, Building and Factory Department, 'T' Ward.

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CORAM : M. S. KARNIK, J.

DATE : 4th JUNE, 2019.

P. C.:

1. The order under challenge in this Appeal From Order is an order passed by the Judge, City Civil Court, Greater Mumbai dated 23.05.2019 in a Suit filed by the appellant challenging the notice issued by the Mumbai Municipal Corporation under Section 354A of the Mumbai Municipal Corporation Act.

2. In the notice it is stated that the appellant has carried out an unauthorised vertical and horizontal extension by using

brick masonry wall. After the matter was heard for sometime, learned counsel for the appellant on instructions of the appellant who is present in the Court submits that he may be permitted to apply for regularisation as per Section 53 of the Maharashtra Regional and Town Planning Act.

3. He further submits on instructions of the appellant that in the event the application for regularisation is decided against appellant, he would remove the unauthorised structure, for which notice under Section 354A has issued, within the period of four weeks from the date of communication of the order refusing regularisation.

4. In this view of the matter, the appellant to apply for regularisation of the unauthorised structure to the competent authority of the respondent as per the procedure prescribed within a period of four weeks from today. The said application for regularisation will be decided in accordance with law within a period of four weeks from the date of the receipt of the application.

5. Learned counsel for the appellant on instructions of the appellant submits that in the event application for regularisation is rejected, then the appellant would voluntarily remove the unauthorised structure within a period of four weeks thereafter which statement is accepted. Consequently, the Appeal From Order is disposed of in the above terms.

6. Learned counsel for the appellant submits that he would bring the copy of this order to the notice of the Trial Court and takes steps for withdrawal of the Suit.

7. The Appeal accordingly disposed of. No order as to costs.

8. Civil Application also stands disposed of as nothing survives for consideration.

9. Parties to act on authenticated copy of this order.

(M. S. KARNIK, J.)