

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1935 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8768 OF 2021**

Rajiv B. Agarwal ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1934 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8766 OF 2021**

Ali Mohamed Bagashi ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1933 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8764 OF 2021**

Pramod Gajanan Churi ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1938 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8769 OF 2021**

Amarjet Singh Mago ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1937 OF 2021**

**IN
APPEAL FROM ORDER (ST.) NO. 8776 OF 2021**

Shireen Rustom Irani ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1940 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8773 OF 2021**

Ali Mohamed Bagashi ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1942 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8779 OF 2021**

Sabah Abdul Rahim Galadari ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1943 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 5927 OF 2021**

Milind D. Kangutkar ... Applicant/Appellant
V/s.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1941 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8772 OF 2021**

Subhash Chandra Tipnis ... Applicant/Appellant
V/s.

Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1939 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8670 OF 2021**

Rakhee Narendra Dhanwani ... Applicant/Appellant

V/s.

Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 1936 OF 2021
IN
APPEAL FROM ORDER (ST.) NO. 8781 OF 2021**

Amarjeet Singh Mago ... Applicant/Appellant

V/s.

Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

Mr.Mutahhar Khan i/b. Mohamed Rehan Chhapra for Applicants/Appellants.
Mrs.Madhuri More for Respondent-Corporation.

**CORAM : A.S. GADKARI, J.
DATE : 18th August 2021.**

PC. :

1. These are applications for extension of interim relief granted by Order dated 6th April 2021 in Appeal From Order (Stamp) No. 8670 of 2021 and other connected matters.

2. Learned counsel for the Applicants submitted that, after passing of the said Order dated 6th April 2021, due to the COVID-19 pandemic,

immediately the lockdown began and therefore, the Applicants could not file their applications for regularization, as contemplated under Section 44 read with Section 53(3) of The Maharashtra Regional and Town Planning Act, 1956 (M.R.T.P. Act) within stipulated period. He submitted that, the Officers of Respondent-Corporation visited the suit premises recently and have threatened to take coercive steps for want of extension of stay Order from this Court.

3. Learned counsel for the Applicants also drew my attention to an Order dated 3rd August 2021 passed by this Court in Appeal From Order No.163 of 2021 and other 4 Appeals, preferred by the residents of same building, i.e. Hicon Hights, wherein this Court in para Nos.3 and 4 has observed as under :-

“3. In view of the statement made by the learned Senior counsel for the Appellants, the Appellants are permitted to file Applications for regularization of Suit structure as contemplated under Section 44 read with Section 53(3) of the MRTP Act, within a period of four weeks from today.

Upon filing of such Applications by the Appellants, the Respondent No.1-Corporation and/or its Designated Officer of the concerned Department is directed to consider the said Applications as per the provisions of law and within a period of four weeks thereafter.

4. *In case, if the Respondent No.1-Corporation rejects the*

request of the Appellants, the notices under Section 53(1) of the MRTTP Act dated 14th February, 2020 and Speaking Orders passed thereon, on 2nd February, 2021 and 3rd February, 2021 shall not be implemented for further period of three weeks therefrom. In other words, the Respondent No.1-Corporation shall not work upon the said notices for the period of three weeks, if any, adverse Order is passed against the Appellants on their Applications for regularization.”

4. Learned counsel appearing for the Applicants submitted that, as a matter of fact, the Applicants have already filed their applications for regularization of the suit structures with Respondent-Corporation on 19th July 2021.

5. In view thereof, the reliefs granted in sub para No.3 of para No.3 and para No.4 above are also made applicable and extended to the Applicants herein.

6. Respondent-Corporation is directed not to take any coercive steps against the Applicants till the decision of their regularization application, which is in consonance with the said Order dated 3rd August 2021 passed by this Court.

7. All the Interim Applications are allowed in the aforesaid terms.