

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 12 OF 2021****WITH****I.A. NO. 107 OF 2021****IN****APPEAL FROM ORDER NO. 12 OF 2021**

Bhambabai Shamrao Mate

.....Appellant/
Applicant.

Vs.

The Assistant Municipal Commissioner
(Building And Factory Department) & Ors.

.....Respondents.

Mr. Ansari Asggar Kalim for the Appellant/Applicant.
Smt. Madhuri More for the Respondent-BMC.

CORAM : A. S. GADKARI, J.
DATE : 25th AUGUST, 2021.

P.C.:-

Learned counsel for the Appellant/Applicant submitted that, though the Trial Court has observed in its impugned Order dated 30th September, 2020 that, the Appellant has not filed Regularization Application before the Deputy Chief Engineer (Building Proposal), Special Cell -3, as a matter of fact, the Appellant/Applicant had already filed an Application for regularization on 16th June, 2020 with the Designated Officer. He drew my attention to page No.71 of the compilation of Appeal wherein, the said Application has been filed. It appears from record that,

the said Application has been filed by the Appellant/Applicant with the Designated Officer of Building and Factory Department and not with the Designated Officer of Building Proposal Department.

2 In view thereof, the Appellant/Applicant is permitted to file a fresh Application before the Deputy Chief Engineer (Building Proposal), Special Cell-3 of the Respondent Corporation as per the Rules and guidelines framed by the Corporation within a period of 3 weeks from today.

3 After the Appellant/Applicant files such an Application, the Designated Officer of Corporation is directed to decide the same within a period of 3 weeks thereafter.

The Respondent Corporation is directed not to take any coercive steps till the said Application is decided by the Deputy Chief Engineer (Building proposal), Special Cell -3.

4 In view of the aforesaid directions, nothing survives in the present Appeal from Order and is accordingly disposed off.

In view of disposal of the Appeal from Order itself, Interim Application No.107 of 2021 does not survive and is also disposed off.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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