

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 468 OF 2021
WITH
INTERIM APPLICATION NO. 3581 OF 2021
IN
APPEAL FROM ORDER NO. 468 OF 2021**

Mr. Farooque Ahmed Khan ... **Appellant/Applicant**
Vs.
The Municipal Corporation Of Greater
Mumbai & Anr. ... **Respondents**

Mr. S. S. Kulkarni i/b. Ms. Minal V. Chavan, Advocate for the Appellant /Applicant.

Smt. Madhuri More, Advocate for the Respondent/MCGM.

CORAM : A. S. GADKARI, J.
DATE : 30th NOVEMBER, 2021.

P.C.:-

Heard Mr. Kulkarni, learned Counsel for the Appellant and Smt. More, learned Counsel for the Respondent No.1/MCGM. Mr. Kulkarni, learned Counsel, on instructions from the Appellant, who is personally present in the Court, submitted that, the Appellant admits that the suit structure as mentioned in Schedule of notice dated 27th October 2021 (suit notice) is constructed without permission of the Competent Authority of Respondent No.1/Corporation and is an unauthorized structure.

Mr. Kulkarni, on instructions, further submitted that, the Appellant will file an Application for regularization/retention of the suit structure with the concerned Competent Authority of Respondent No.1/Corporation within a period of eight weeks from today.

2 If the Appellant files such an Application for regularization/retention of suit structure within stipulated period, the concerned Competent Authority of Respondent No.1/Corporation is directed to decide the said Application within a period of six weeks thereafter.

Till the Competent Authority decides such Application of the Appellant for regularization/retention of suit structure, the Respondents are directed not to take coercive action against the suit structure.

3 It is made clear that if the Competent Authority of Respondent No.1/Corporation decides the Application for regularization/retention of the Appellant adversely, the Appellant shall not claim equity in the matter.

4 Appeal is accordingly disposed off in the aforesaid terms.

5 In view of disposal of Appeal from Order itself, Interim Application No.3581 of 2021, does not survive and is also disposed off.

(A. S. GADKARI, J.)