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

**FIRST APPEAL NO.342 OF 2021
WITH
INTERIM APPLICATION NO.1709 OF 2020**

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Sandeep P. Shah & Anr.

... Appellant

V/s.

The Municipal Corporation of
Greater Mumbai & Ors.

... Respondents

Mr. Piyush Raheja with Mr. Sanmish Gala i/by M/s.
Markand Gandhi & Co. for the appellant.

Mr. R.Y. Sirsikar for the respondent/MCGM.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 28, 2023

P.C.:

- 1.** Learned advocate for the appellant, on instructions from the appellant/original plaintiff, seeks permission to withdraw the suit with liberty to apply under section 53(3) of the Maharashtra Regional & Town Planning Act, 1966 for regularization of structure over the suit property.
- 2.** The appellant shall file application for regularization within six (6) weeks from today. On such application being filed by the appellant, the Competent Authority exercising power under section 53(3) shall decide the same within eight (8) weeks thereafter.
- 3.** If the decision is against the appellant, such decision shall

remain stayed for a period of four (4) weeks from the date of communication of such decision.

4. During pendency of the application and for a period of four (4) weeks thereafter, no coercive steps in relation to suit structure shall be taken by the Corporation.

5. The first appeal is disposed of in above terms. No costs.

6. In view of disposal of the first appeal, interim application does not survive and is disposed of accordingly.

(AMIT BORKAR, J.)