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

FIRST APPEAL NO.286 OF 2015

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Pramod Narayan Gawankar & Ors.

... Appellants

V/s.

The Municipal Corporation of
Greater Mumbai

... Respondent

Mr. Shripad Murthy with Mr. Abhishek Patil i/by Mr.
Anand Nikhal for the appellants.

Mr. Santosh Parad for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 23, 2023

P.C.:

- 1.** The first appeal arises out of issuance of notice under section 351 of the Mumbai Municipal Corporation Act, 1949.
- 2.** Learned advocate for the appellees, on instructions, states that the appellants intend to withdraw the appeal with liberty to file application under section 53(3) of the Maharashtra Regional Town Planning Act, 1966 for regularization of subject matter of notice under section 351 of the Mumbai Municipal Corporation Act, 1949.
- 3.** The first appeal is permitted to be withdrawn with liberty as prayed for.
- 4.** The appellants shall file application within eight (8) weeks

from today. The Competent Authority shall decide such application within eight (8) weeks thereafter.

5. If the decision of the Competent Authority is adverse to the appellants, the appellants shall restore the position which existed on the date of notice. The appellant shall file an undertaking before this Court that in case the decision is adverse to the appellants, they will restore the position as it stood before issuance of notice under section 351 of the Mumbai Municipal Corporation Act, 1949. Such undertaking shall be filed by the appellants within six (6) weeks from today.

6. In case the decision of the Competent Authority is adverse, to the appellant, the said decision shall take effect after four (4) weeks from the date of communication of such decision.

(AMIT BORKAR, J.)