

Nikita

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

FIRST APPEAL NO.1016 OF 1997

Shri Bhagwansingh Basantraai Sangatani
and Ors.

... Appellants

V/s.

Municipal Corporation for Greater
Bombay.

... Respondent

Mr. Yogesh Patil for the appellant.

Mr. Santosh Parad for respondent No. 1.

Mr. Sunil Basantraai Sangatani, appellant present in-
person.

CORAM : AMIT BORKAR, J.

DATED : February 07, 2023

P.C.:

1. The appellant challenging notice under Section 351 of Bombay Municipal Corporation Act, 1888 having been dismissed by the City Civil Court has filed present appeal challenging the judgment and decree of dismissal of suit.

2. The advocate for the appellants, on instructions from appellant No.1-b, states that the appellant intends to withdraw the appeal with liberty to file application for regularization under Section 53(3) of Maharashtra Regional and Town Planning Act, 1966.

3. The Appeal is dismissed as withdrawn with liberty as prayed.
4. The appellant or their legal representatives or successor-in-title are entitled to file an application for regularization before the respondent. Such application shall be filed within six (6) weeks from today. On such application being filed by the appellants or their successor-in-title, the same shall be decided in accordance with law within eight (8) weeks from the date of filing of such application.
5. If the decision of competent authority of respondent is adverse to the appellants, appellant No.1-b, who is personally present in Court, undertakes to demolish the construction on his own. If the decision is adverse to the interest of the appellants and the appellants fail to demolish the construction, the respondent shall demolish the same and recover the cost from appellants.
6. Till the application for regularization is decided by the competent authority of respondent, the impugned structure shall not be demolished. In case, the decision is adverse to the appellant, the protection granted shall continue for a period of four (4) weeks from the date of intimation of such decision to the appellants.
7. In view of disposal of the appeal, interlocutory applications, if any, pending shall not survive and are disposed of as infructuous.

(AMIT BORKAR, J.)