

AGK

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

**APPEAL FROM ORDER NO.965 OF 2023
WITH
INTERIM APPLICATION NO.17544 OF 2023**

Mehul Mahesh Patel ... Appellant
V/s.
Municipal Corporation of Greater
Mumbai & Ors. ... Respondents

**AND
APPEAL FROM ORDER NO.966 OF 2023
WITH
INTERIM APPLICATION NO.17545 OF 2023**

Gagan Darsh Ruia ... Appellant
V/s.
Municipal Corporation of Greater
Mumbai & Ors. ... Respondents

Mr. Surel S. Shah with Mr. Rajan R. Yadav & Ms.
Mahek Jain for the appellant/applicant in both AO.

Ms. Smita V. Tandwalkar for respondent/MCGM.

Mr. Chetan Shirodkar, Junior Engineer (BF G/S Ward),
MCGM, is present.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 5, 2023

PC.:

1. Learned advocate for the appellant, on instructions, seeks permission to withdraw the suits with liberty to file an application for regularization of structure under Section 53 of the Maharashtra

Regional and Town Planning Act, 1966.

2. Appeals and suits are dismissed as withdrawn with liberty as prayed for.
3. The appellants/plaintiffs are permitted to file application for regularization in the prescribed form before the Competent Authority within two weeks from today. The Competent Authority shall decide the application, as required under Section 53 of the Maharashtra Regional and Town Planning Act, 1966, as to whether the suit structures can be regularized.
4. Such decision shall be rendered by the Competent Authority within three weeks from the date of receipt of applications for regularization.
5. The suit structures are protected for a period of two weeks from the date of receipt of communication of decision by the Competent Authority to the appellants/plaintiffs.
6. With this clarification, both the appeals from order stand disposed of.
7. In view of disposal of the appeals from order, pending interim applications stand disposed of as infructuous.

(AMIT BORKAR, J.)