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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION

WRIT PETITION NO.4029 OF 2015

Indus Towers Ltd.	...Petitioner
vs.	
Vasai Virar Municipal Corporation & Ors.	...Respondents

Mr.Sugandh Deshmukh for the petitioner
Mr.A.G.Damle, Senior Advocate i/b Vidhi Partners
for the respondent Nos.1 to 3

CORAM : A.S.OKA, &
 C.V.BHADANG, JJ.
DATE : APRIL 23, 2015

P.C.:

. Not on board. Taken on board.

1 We grant leave to amend in terms of the draft amendment tendered on record and marked 'X' for identification. Amendment to be carried out within a period of three weeks from today.

2 The learned counsel for the petitioner states that the petitioner will apply for regularization of the mobile tower subject matter of the impugned notice dated 22nd January 2015.

3 In view of this statement, it is obvious that the petitioner has given up the contention that there was lawful permission granted for erection of the mobile tower.

4 Hence, we dispose of the petitions by passing the following order:

- (I) It will be open for the petitioner to make an application for regularization to the Municipal Corporation in a prescribed format in accordance with Rules and Regulations within a period of six weeks from today;
- (II) If such application is made within the stipulated period, the same shall be disposed of by the Municipal Corporation within a period of three months from the date on which application is made;
- (III) The order passed on the application for regularization shall be communicated to the petitioner or to its licensed Architect;
- (IV) Till the date of communication of the order passed by the Municipal Corporation on the application for regularization to the petitioner or to its licensed Architect, whichever is earlier, the action of demolition on the basis of the impugned notice shall not be taken;
- (V) If the order passed on the application for regularization be adverse to the petitioner, the action of removal of the mobile tower shall not be taken for a period of one month from the date on which the order is communicated to the petitioner or to its licensed Architect, whichever is earlier;
- (VI) We make it clear that all contentions of

the parties on merits of the application for regularization are expressly kept open;

(VII) We also make it clear that on the failure of the petitioner to apply for regularization within a period of six weeks from today, the protection granted under this order shall cease to apply;

(VIII) We direct the added fourth respondent to restore the supply of electricity to the tower in question on production of an authenticated copy of this order;

(IX) However, we make it clear that this order of restoration is passed subject to the order which may be passed by the Municipal Corporation on the application for regularization;

(X) Writ Petition is disposed of on above terms;

(XI) All concerned to act upon an authenticated copy of this order.

(C.V.BHADANG,J.)

(A.S.OKA,J.)