

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3578 OF 2013

**Tower Vision India Private Limited Vs. The State of
Maharashtra and another.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Jadhavar, advocate for the petitioner.
Ms.R.P.Gour, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 17.11.2016.

PER COURT :

1. Heard.
2. Initially notice was issued to the Respondent No.2 on 25.4.2013, the same was served. None appeared for Respondent No.2. Thereafter on 5.8.2016, again notice of final disposal was issued to the Respondent No.2. The said notice is also served upon the Respondent No.2, however, none appeared for Respondent No.2. The matter came for hearing on 21.10.2016. On that date also none appeared for Respondent No.2, still, the matter was adjourned in the interest of justice. Today also none appears for Respondent No.2.

3. Mr.Jadhavar, learned counsel for the petitioner submits that no objection certificate was issued by the Respondent No.2 to the petitioner pursuant to which the tower was erected and is functioning. Show cause notice was issued on 6.4.2013. The same is replied by the petitioner. Pursuant to the order dated 25.4.2013, passed by this Court, the petitioner submitted application seeking construction permission, however, the same is not decided as yet.

4. We have heard learned A.G.P. As none appears for Respondent No.2 though the notices are served twice, we have to decide the matter in absence of any assistance from Respondent No.2.

5. As submitted by the learned counsel for the petitioner that pursuant to the interim orders passed by this Court on 25.4.2013, the petitioner has applied for construction permission and the said application is not yet decided, we pass the following order :

a) The Respondent No.2 shall decide the application filed by the petitioner seeking construction permission in respect of erection of tower i.e. the subject matter of the present Writ Petition expeditiously, preferably within six (6) months. Till the said application is decided, the Respondent No.2 shall not proceed further with the impugned notice.

b) The Writ Petition is accordingly disposed of with aforesaid

observations and directions. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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