

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8814 OF 2013

Sayyad Asifuddin Hashmi Sayyed
Burhanuddin Hasmi .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Satish R. Warma, Advocate for the Petitioner.
Shri S. B. Deshpande, A.S.G. for Respondent Nos. 1 to 4.
Shri S. M. Ganachari, A.G.P. for the Respondent No. 5.
Shri A. M. Karad, Advocate for the Respondent No. 6.
Shri Sachin S. Deshmukh, Advocate for the Respondent No. 7.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 11TH JULY, 2016.

PER COURT :

. Mr. Warma, the learned counsel for the petitioner submits that, the petitioner is a resident of Buddi Lane area. The respondent No. 7 has erected a mobile tower at a function hall, near the girls high school. According to the learned counsel, because of erection of mobile tower, the residents of the locality including the petitioner have to face health hazards. Radiation is emitted and there is very narrow lane. In case of emergency, it would be very difficult for the fire brigade to enter in the premises. All these aspects are not considered. Even the

petitioner has represented the Municipal Corporation on 14.03.2014, however, same has not been yet considered by the respondent No. 6/Municipal Corporation.

2. Mr. Deshmukh, the learned counsel for the respondent No. 7 submits that, in the year 2009 itself, the respondent No. 7 has approached the Municipal Corporation for issuance of no objection certificate, till today no decision has been taken by the Corporation.

3. Mr. Karad, the learned counsel for the respondent No. 6/ Corporation on instructions states that, the respondent No. 6/ corporation would consider the representation of the present petitioner while considering application of the present respondent No. 7.

4. Considering the above, as no final decision as yet been taken by the respondent No. 6/Corporation, we pass following order.

5. The respondent No. 6/Municipal Corporation shall take decision on the representation of the petitioner (Exhibit - J) while deciding application of the present respondent No. 7 for grant of no objection certificate as per law and the existing policy. The petitioner can represent himself before the competent authority

of the Municipal Corporation in this regard. The same shall be done expeditiously. Needless to state, we have not considered contention of either of the parties on merits. Same are kept open. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 16