

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

Writ Petition No. 11511 of 2015

District : Beed

Nagesh s/o. Suryakantrao Maske,
Age : 37 years,
Occupation : Business,
R/o. Bansilal Nagar, Ambajogai,
District : Beed.

.. Petitioner.

versus

The State of Maharashtra,
Through its Secretary in the
Department of Telecommunications,
Mantralaya, Mumbai - 32,
& 5 others.

.. Respondents.

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Mr. Prashant P. Dama, Advocate, for the petitioner.

*Mr. S.N. Morampalle, Asst. Government Pleader, for
respondent nos.1, 2 and 4.*

Mr. V.V. Bhavthankar, Advocate, for respondent no.3.

*Mr. Sachin S. Deshmukh, Advocate, for respondent
nos.5 and 6.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH JANUARY 2016

PER COURT :

1. Mr. Bhavthankar, the learned Counsel appearing for respondent no.3 submits that respondent no.3, today would be issuing notice to respondent no.5 for removal of the mobile tower i.e. the subject matter of the Writ Petitioner. The learned Counsel submits that the same is unauthorized.

2. Present petition is filed seeking directions against respondent nos.2 to 4 to remove the mobile tower of respondent no.5.

3. Mr. Deshmukh, the learned Counsel for respondent nos.5 and 6, submits that the application seeking permission was already given on 6th June 2006 and respondent nos.5 and 6 rely on Section 45(5) of the Maharashtra Regional & Town Planning Act 1966 i.e. deemed permission.

4. Considering the aforesaid aspects of the matter, there is no need to pass any order in the present Writ Petition. The Municipal Council may take steps as is permissible in law. Respondent nos.5 and 6 may defend the same as is permissible in law. The Writ Petition is accordingly disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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