

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

WRIT PETITION NO. 2586 OF 2016

GTL Infrastructure Limited

..Petitioner

v/s.

Pune Municipal Corporation & Ors.

..Respondents

Mr. Surel Shah i/b. Hafeezur Rahman for the Petitioner.

Mr.P.P. Kakde, AGP for the State.

Mr. A.P. Kulkarni, for the respondent nos.1 to 4.

Mr. A.M. Kulkarni for the Respondent no.6.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : AUGUST 09, 2016.

P.C.

1. By the order dated 5.4.2016 the Division Bench of this Court permitted the petitioner to file fresh application for regularization within one week from the date of the order, and the Corporation was to decide the same on merits in accordance with law. Meanwhile, interim order granted earlier was ordered to be continued.

2. Mr. Abhijeet Kulkarni, the learned Counsel for the Corporation submits that the application for the regularization filed by the

petitioner is already considered and the same was rejected by order dated 28.4.2000. This fact is not disputed by Mr. Shah, the learned Counsel for the petitioner.

3. In the light of the above, Mr. Shah, upon instructions, seeks permission to withdraw the petition with liberty to challenge the order rejecting his application for regularization under Section 47 of the MRTP Act.

4. Leave with liberty granted. Petition is accordingly disposed of.

5. Mr. Shah, learned Counsel for the petitioner submits that the protection granted to the petitioner is in operation till today, and the same may be continued. The learned Counsel appearing for the respondent Corporation and the respondent no.6 society dispute this proposition and submit that the protection was granted during the pendency of the regularization application. The learned Counsel for the respondent no.6 objected the continuation of the ad-interim relief during the pendency of the proposed appeal. In any case, the counsel for the Corporation and the respondent no.6 do not dispute that as of today the mobile tower is not demolished. In case the Corporation is allowed to demolish the mobile tower, the proposed

appeal by the petitioner would render infructuous. We, therefore, continue the interim protection granted initially in the above referred petition for a period of three weeks from today.

6. It is expressly made clear that all grounds and contentions of the respective parties are kept open.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)