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

WRIT PETITION NO. 5993 OF 2016

Indus Towers Liomited & Ors.

...Petitioners

Vs.

Gram Panchayat Kalundre & Ors.

...Respondents

Mr. Surel S. Shah a/w. Mr. Prasad D. a/w. Mr. T. Kapadia
i/b. D.H. Law Associates, Advocates for the Petitioners

Mr. S.D. Butalal, Advocate for Respondent No.1

Mrs. M.P. Thakur, AGP for the State, Respondent Nos. 3 & 4

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED : 7TH JUNE, 2016

P.C. :

Matter is not on board. In view of the urgency taken on
board and heard forthwith.

1. Parties through their Counsel. Learned Counsel for the
Respondents seek time to file reply. Two weeks time is
granted.

2. The Petitioners are permitted to amend the Petition

during the course of the day so as to challenge the resolution as also the order dated 1st June, 2016 passed by the Gram Pachayat Kalunde (Bhingari Pada). Learned Counsel for Respondent No.1 raised a preliminary objection that an alternative remedy is available under Section 154 of the Maharashtra Village Panchayat Act, 1958 for challenging the said resolution and the order by approaching the appropriate Authority.

3. Facing the aforesaid preliminary objection the learned Counsel for the Petitioners seek leave to withdraw this Petition with liberty to the Petitioners to challenge the impugned resolution and the impugned order before the Authority prescribed under Section 154 of the Maharashtra Village Panchayat Act, 1958. However, he submits that till the Petitioners approaches the Authority with an application for interim relief some protection be granted to the Petitioners against the proposed coercive action by Respondent No.1.

4. Having considered the aforesaid submissions made by the learned Counsel we are inclined to grant liberty to the

Petitioners to approach the Authority as specified under Section 154 of the Maharashtra Village Panchayat Act, 1958 is granted.

5. The Petitioners to approach the said Authority within a period of three weeks from today. The Petitioners may also file an application for interim relief before the said Authority. Till the Petitioners' application for interim relief is considered, and appropriate decision is taken by the said Authority the Respondent No.1 is restrained from taking any coercive steps in pursuance to the impugned resolution and the order dated 1st June, 2016. Needless to say that the Petitioners shall not seek unnecessary adjournments before the said Authority. All contentions of the parties are kept open.

6. The Petition is disposed off accordingly.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)