

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6017 OF 2017

INDUS TOWERS LIMITED
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. Sachin S. Deshmukh, Advocate for the petitioner
Mr. S.G. Karlekar, A.G.P. for the respondent/State
Mr. R.R. Chandak, Advocate for respondent no.2

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 03-07-2017

ORAL ORDER :

1. It is stated on instructions by the Municipal Council Mudkhed's Advocate (respondent no.2), that the said Municipal Council has not interfered with the functioning of the mobile tower erected by the petitioner. It has not sealed it nor has it disconnected the electricity supply. The mobile tower is functional.

2. We accept all these statements made on instructions, as undertakings to this Court.

3. If there is no apprehension now surviving of the petitioner's business being interrupted or interfered with, save and except, by due process of law, then, the Writ Petition need not be kept pending. It is disposed of.

4. If at all there is any existing lock on apparatus of the petitioner, by the second respondent and on its tower, it shall also be removed, is the statement of the second respondent's counsel.

5. We accept that as well as an undertaking to this Court.

6. However, while disposing of the Petition on these undertakings, we clarify that we have not expressed any opinion on the power, authority and jurisdiction of the second respondent, to proceed against the mobile tower or the construction thereof. All such powers are intact and remain uninfluenced by the disposal of this Writ Petition.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/