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

**WRIT PETITION NO. 4087 OF 2017
AND
WRIT PETITION NO. 4088 OF 2017**

Tower Vision India Pvt.Ltd.	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr.H. Venegaonkar i/b. Ajay Bhise for Petitioner.
Mr.G.H. Keluskar for Respondent Corporation.
Mr.Sandeep Baber, AGP for Respondent No.1.

**CORAM: M. S. SANKLECHA &
S.C. GUPTE, JJ.**

DATE : 6 APRIL 2017

P.C. :

Not on board. Mentioned. Taken on board.

2 Rule. Respondents waive service. By consent and on request of the Counsel, both petitions are taken up for final disposal.

3 These petitions challenge the action of the Respondent corporation in having sealed the Petitioner's nine mobile towers within the jurisdiction of Respondent No.2 corporation. This for the alleged reason that the property taxes payable under the Maharashtra Municipal Corporations Act, 1949 (Act) have not been paid by the Petitioner.

4 No provision under the Act has been shown to us, which

would entitle Respondent No.2 corporation to seal a property on which the property taxes had not been paid. In fact, in the case of **ATC Telecom Infrastructure Private Limited vs. Nashik Municipal Corporation**¹, this court had occasion to observe that the action of sealing the defaulting property and/or cutting of its electric supply is without jurisdiction. This is so, as it is not supported by any provision of law. We further observed that the Corporation and its officers are strictly bound to follow the provisions of the Act and the Rules made thereunder and it is not open to them to read into the provisions powers which are not explicitly found in the statute so as to clothe themselves with such drastic powers.

5. In the above view, as the sealing of mobile towers is without jurisdiction, both the petitions are allowed in terms of prayer clause (b). No order as to costs.

(S.C. GUPTE, J.)

(M. S. SANKLECHA, J.)

¹ WP 3367-2017 decided on 21 March 2017