

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.25509 OF 2018

(Indus Towers Limited Vs. Kalyan Dombivli Municipal Corporation and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders

Court's or Judge's orders

Mr. Surel S. Shah i/b. Link Legal India Law Services for Petitioner.
Mr. Prashant Kamble i/b. Mr. A. S. Rao for Corporation.
Mr. M. M. Pabale, AGP for State.

CORAM : NARESH H. PATIL, ACTING CJ &
R. G. KETKAR, J.

DATE : 11TH SEPTEMBER, 2018

P.C.:

Perused the order dated 14.08.2018 passed by this Court (Coram: A.S.Oka and Riyaz I. Chagla, JJ.) in Civil Application No.1768 of 2018 in Writ Petition No.10497 of 2014.

2. The Counsel for the petitioner submits that in view of the liberty given therein, by way of this Petition, petitioner has initiated substantive proceedings.

3. Admittedly, petitioner does not possess licence / permission to construct mobile tower. The owner is not coming forward, who has received notices from the Corporation.

4. The Counsel for the petitioner submits that the owner may not be interested in challenging those notices for the reasons

best known to him.

5. We may not enter into the contractual relationship, if any, between the owner and the petitioner.

6. In the facts, we observe that the petitioner may resort to alternate remedies as permissible in law. We are not inclined to exercise our writ jurisdiction in this case. The Petition is disposed of accordingly. Status-quo, as on today, to continue till 24.09.2018.

R. G. KETKAR, J.

ACTING CHIEF JUSTICE

Minal Parab