

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3194 OF 2018

Suyog Telematics Limited through its

Director – Mr. Vivek Lature

..... Petitioner

versus

Municipal Corporation of Greater Mumbai and ors.Respondents

Mr. Ansari Asggar Kalim, advocate for th petitioner.

Ms. Rupali Adhate, advocate for the Corporation.

Mr. Milind More, AGP for the State.

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 18th DECEMBER, 2018.

P. C. :

1. Heard learned counsel and learned AGP appearing for the respective parties.

2. The respondent Corporation has issued notice under Section 55 of the Maharashtra Regional and Town Planning Act, 1966 to the petitioner who is the owner of the mobile tower for erection of unauthorized temporary cell site/tower. Similar notice is also issued to the occupier of the land. It is the case of the petitioner that he has already made an application dated 10th September, 2018, for permission for setting up of telecommunication cell site/tower. Learned counsel for the Corporation, however, submits that this application is already forwarded to Building and Proposal Department. A copy of the said

application is annexed at Exhibit – C, page 22. Having seen the copy of the said application, we find that the same is not for regularisation, however, the petitioner has sought permission to set-up telecommunication cell site/tower.

3. In the light of the above, the learned counsel for the petitioner submits that liberty may be granted to the petitioner to make an application for regularisation and protection may be granted to the petitioner till the competent authority of the respondent No.2 decides the petitioner's said application. The learned counsel for the Corporation makes a statement that if the application for regularisation is made by the petitioner, appropriate decision would be taken in accordance with law.

4. In the light of the above, we dispose of this petition by passing the following order :

1. It will be open for the petitioner to make an online application to the respondent-Municipal Corporation for regularisation of the mobile tower through a licensed Architect. If such an application is made within a period of three weeks from today, the same shall be decided within a period of six weeks from the date of making the application.

2. The order passed on the application be communicated to the petitioner or his licensed architect. Till the communication of the said order to the petitioner or his licensed architect, as the case may be, the status quo as of today in respect of the tower shall be maintained. If the order passed on the application for regularisation is adverse to the petitioner, the said protection shall continue to operate for a period of three weeks from the date of communication of the order to the petitioner or his licensed architect.

3. If the application for regularisation is not filed within the period stipulated above, the Corporation is at liberty to implement the notice impugned in the petition.

The petition stands disposed of.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]