

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

WRIT PETITION LODGING NO.4300 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. Hemant Haryan, AGP for the State.

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

DATE : 22nd DECEMBER, 2018.

P. C. :

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

2. The petitioner is challenging the notices dated 14th December, 2018 and 15th December, 2018 respectively issued under Section 3-Z-1(4) of the Maharashtra Slums(Improvement, Clearance and Redevelopment) Act, 1971. It is the case of the petitioner that his representation dated 19th December, 2018 for regularization/permission for setting up of telecommunication cell site/tower is not decided. 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 – D, page 27. 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.]