

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2643 OF 2021**

ATC Telecom Infrastructure Pvt. Ltd.	...	Petitioner
<i>Versus</i>		
The Gram Panchayat Padali Khurd and Ors.	...	Respondents

**WITH
INTERIM APPLICATION NO.1714 OF 2021**

Shrikant Pandurang Patil and Ors.	...	Applicants
and		
ATC Telecom Infrastructure Pvt. Ltd.	...	Petitioner
versus		
The Gram Panchayat Padali Khurd and Ors.	...	Respondents

Mr. Hafeezur Rehman, for Petitioner.
Mr. Suryajeet P. Chavan i/by Mr. Tejas Hilge, for Respondent Nos.1 to 3.
Mrs. M.P.Thakur, AGP, for State.
Mr. Pravin Mengane i/by Mr. Sandeep Koregave, for Intervenor.
Mr. Prasad Avhad i/by Mr. Kuldeep Nikam, for Intervenor.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 10th AUGUST, 2021

P.C. :

1. By the above Writ Petition, the Petitioner interalia seeks the following reliefs :

“(a) That this Hon’ble Court do issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other appropriate writ, order or direction calling for the records pertaining to the impugned order at Exhibit G hereto and after going through the legality or otherwise thereof, do quash and set aside the same;

(b) That this Hon'ble Court do issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, order or direction directing the Respondents to give the personal hearing to the Petitioners and to after that grant them permission and allow them to operate their mobile tower at Gat No.229/5, Property No.727 at Village Padli Khurd, Taluka Karveer, District Kolhapur;”

2. Admittedly, the NOC granted to the Petitioner was cancelled/revoked by the Respondent No.1 on the ground that certain complaints have been received from the villagers of the area, in which the mobile tower is constructed. Admittedly, copies of the purported complaints were not provided to the Petitioner and no hearing was provided to them in that regard. In view thereof, the impugned order dated 16th April, 2021 is set aside and the Respondent No.1 is directed to hear the Petitioner and thereafter, pass an order in the matter. The entire exercise of giving a fresh hearing and passing of the order shall be completed within a period of four weeks from the date of uploading of this order. All contentions of the parties are kept open. All steps taken by the Petitioner in the meantime, shall be subject to the further orders passed by the Respondent No.1. Needless to add that if the order passed by the Respondent No.1 is against the Petitioner, they shall be at liberty to impugn the same and seek appropriate reliefs. The Writ Petition as well as Interim Application are accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)