

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5795 OF 2019

Suresh s/o Natthuji Khandagale

-- Petitioner

vs.

Nagpur Municipal Corporation and others

--Respondents

Mr. Kshitij Jain h/f. Mr. S.S.Dhengale, Advocate for the Petitioner.

Mr. G. A. Kunte, Advocate for the Respondent Nos.1 to 3.

Mr. P. A. Abhyankar, Advocate for Respondent Nos.4 and 5.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

DATE : 03 FEBRUARY 2021

P. C. :

This Petition is filed by the resident of the area where Respondent No.4 has put up a tower for erecting cell phone antenna.

2. According to the Petitioner, the structure is illegal and needs to be removed. A reply affidavit is filed by the Municipal Corporation stating that notices have been issued to Respondent Nos.4 and 5 calling upon them to remove the tower, but unauthorized construction is not removed. It is stated that no permission has been granted and the structure could not be removed because it requires skilled staff.

3. As far as the ground of non-availability of skilled staff is concerned, it is not possible for us to accept the same. As such ground would mean that no steps can be taken against any of the illegal mobile towers in the city. In case structure is found to be illegal, it will be the duty of the Corporation to remove the same and this ground cannot be put forth.

4. Learned counsel for Respondent Nos.4 and 5 submitted that notices have not been received and the structure is not illegal.

5. Once the Municipal Corporation has taken the cognizance of the complaint and proceeding to take action, it is not necessary for us to keep the Petition pending.

6. Needless to state that the Respondent Corporation will take the action to its logical end after following the process and giving an opportunity to the Respondent Nos.4 and 5 as provided under the concerned Rules and Regulations.

7. Writ Petition accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]