

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6770 OF 2022

Shri Babasaheb Balu GadkariPetitioner
V/S
Sangli Miraj Kupwad Municipal Corporation & Anr.Respondents

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Mr. Balasaheb G. Ligade for the Petitioner.
Mr. Mr. G.H. Keluskar for Respondent Nos.1 and 2-Corporation.

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**CORAM: R.D. DHANUKA &
KAMAL KHATA, JJ.**
DATE : 25 JULY 2022.

P.C.:

- 1 Rule.
- 2 Respondents waive service.
- 3 Rule made returnable forthwith.
- 4 The Petition is filed to quash and set aside the orders dated 13 March 2020 and 18 April 2022 passed by the Respondent No.2 whereby the earlier permission granted in favour of the Petitioner for installing mobile tower vide order dated 2 January 2020 was cancelled.

5 Learned Counsel for the Petitioner invited our attention to the impugned orders and submitted that the permission already granted in favour of the Petitioner is cancelled in view of the civil suit filed by the Petitioner. He submits that several other complainants in respect of various mobile towers have been relegated to an authority constituted for consideration of their redressal. It is submitted by the learned Counsel for the Petitioner that the Petitioner is ready and willing to withdraw the said suit filed by the Petitioner before the Civil Court. The statement is accepted.

6 In view of the statement made by the learned Counsel for the Petitioner, we direct the Respondents to reconsider the orders passed by the Respondents, whereby the permission already granted in favour of the Petitioner was cancelled, on its own merits, irrespective of the fact that, the Petitioner has already filed civil suit, within four weeks from today. In view of the aforesaid terms, impugned orders dated 13 March 2020 and 18 April 2022 are quashed and set aside. If the order passed by the Respondent No.2 is adverse to the Petitioner, no coercive steps shall be taken against the Petitioner for a period of one week from the date of communication of the order. The Petitioner is at liberty to file appropriate proceedings permissible in law.

7 The Writ Petition is disposed off in the aforesaid terms. Rule is made absolute. No order as to costs.

8 Parties to act on an authenticated copy of this order.

9 It is made clear that this Court has not expressed any view on the merits of the matter. All contentions of both the parties are kept open.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)

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RAJALINGAM
KATKAM
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by SUDARSHAN
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Date:
2022.07.28
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