

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 9857 OF 2016

Mr.Chandrakant Balkrushna Vartak	...Petitioner
vs.	
Vasai-Virar City Municipal Corporation	...Respondent

Dr.U.P. Warunjikar for Petitioner.
Ms.Swati Sagvekar for Respondent.

CORAM : ROHIT B. DEO, J.

DATED : 21 JUNE 2022

P.C. :

1. The Petitioner entered into an agreement with Indus Towers Ltd. whereunder mobile tower was erected on the terrace of the residential house of the Petitioner.
2. The petition was served with notice dated 7 April 2015 purportedly issued under Sections 52, 53 and 54 of the Maharashtra Regional and Town Planning Act directing the Petitioner to remove the mobile tower/bungalow.
3. The notice dated 7 April 2015 was followed by notice dated 25 April 2015 which is confined to the alleged unauthorised tower on the terrace of the residential bungalow.
4. The Petitioner instituted Regular Civil Suit 274/2016 and sought injunctive relief restraining the Planning Authority from giving effect to the aforesaid notices. The Petitioner was denied temporary

injunction and he preferred Miscellaneous Civil Appeal 29/2016 which is rejected.

5. During the pendency of the petition, it appears that the Indus Towers Ltd. has terminated the agreement whereunder the mobile tower was erected. Vide order dated 7 June 2022, this Court recorded thus :

“2. Ms. Sagvekar, the learned Counsel for the respondent, has invited the attention of the Court to an order dated 11th July, 2017, passed by a Division Bench of this Court in Writ Petition No.6133 of 2016, wherein it was recorded that the agreement between the Indus Towers Ltd., the petitioner therein and the plaintiff – petitioner herein for erection of the mobile tower came to be terminated. The petitioner Indus Tower Ltd. had, thus, not pressed the petition. Accordingly, the petition and applications were disposed of.”

6. The learned Counsel for the Petitioner, Dr. Warunekar, fairly states that he has no instructions from the Petitioner on whether the agreement is as a fact terminated.

7. However, accepting the submission made by the learned Counsel for the Respondent, Ms.Sagvekar, this petition is disposed of with liberty to the Petitioner to seek restoration/revival of the petition if there is any subsisting grievance.

8. The interim order stands vacated.

(ROHIT B. DEO, J.)