

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9335 OF 2021

ATC Telecom Infrastructure Pvt. Ltd. ... Petitioner

Versus

The Chief Officers, Ratnagiri Municipal Council and others ... Respondents

.....

Mr. D.S. Patil for the Petitioner.

Mr. Rakesh Bhatkar for Respondent No.1.

Ms. P.N. Diwan, AGP for the State.

.....

CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : JANUARY 21, 2022
(through video-conferencing)

P.C. :-

1. The CEO of Ratnagiri Municipal Council has issued an Order dated 25th October, 2021 to the Petitioner by which the permission dated 16th April, 2009 granted by the Council to the Petitioner to put up a mobile tower has been revoked. The mobile tower is admittedly functioning since the year 2009. Admittedly, the said Order is issued by the CEO of Ratnagiri Municipal Council without issuing any notice to the Petitioner and without giving a hearing to the Petitioner. The Order dated 25th October, 2021 is therefore issued in gross violation of the principles of natural justice. In view thereof, we pass the following order :

- (i) The Order dated 25th October, 2021 issued by the CEO, Ratnagiri Municipal Council is set aside.
- (ii) The CEO of Ratnagiri Municipal Council shall give a hearing to the Petitioner and all the concerned parties on 27th January, 2022 at 12.00 noon and after considering the oral as well as written submissions of the parties, pass a fresh speaking order within a period of two weeks thereafter.
- (iii) The Petitioner shall not operate the mobile tower until the CEO of Ratnagiri Nagar Parishad passes a fresh speaking Order in the matter.
- (iv) No adjournments shall be sought by the parties unless absolutely necessary.
- (v) The CEO of Ratnagiri Nagar Parishad shall also not adjourn the matter unless absolutely necessary.
- (vi) All contentions of the parties are kept open.
- (vii) The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)