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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.508 OF 2013

IDEA CELLULAR LIMITED
FORMALLY KNOWN AS
BIRLA AT and T
COMMUNICATIONS LTD.
REP. BY MANAGER- LEGALPETITIONER

Versus

THE GOA TOWN AND
COUNTRY PLANNING
BOARD THROUGH ITS
MEMBER
SECRETARY/CHIEF TOWN
PLANNER AND 3 ORS.RESPONDENTS

Mr. D. Bhardwaj, Advocate for the Petitioner.
Mr. A.D. Bhobe, Advocate for Respondent No.2.
Mr. Parag Rao, Advocate for Respondent No.3.
Mr. J. Godinho, Advocate for Respondent No.4.
Ms. B. Kukalekar, Advocate for the Intervenor.

CORAM : M. S. SONAK, J.

DATE : 16th FEBRUARY 2023

P.C. :

1. Heard Mr. Bhardwaj for the petitioner. Mr. A.D. Bhobe appears for respondent no.2. At the request of the Court, Mr. Parag Rao appears for respondent no.3. Mr. Godinho appears for respondent no.4 and Ms. B. Kukalekar appears for Intervenor.

2. This petition was filed to challenge the order made by respondent no.2 on 26.11.2012 and the order of the respondent no.1 – Board dated 26.06.2013 upholding the order dated 26.11.2012. In terms of these orders, the permission granted to the petitioner for setting up a mobile tower came to be revoked.

3. The above orders were made based on a complaint of the Intervenor.

4. Mr. Bhardwaj, the learned Counsel for the petitioner, points out that a status quo order was granted by this Court on 19.03.2014. However, the tower was not operational by then.

5. Accordingly, Mr. Bhardwaj, based on instructions from the petitioner, seeks leave to withdraw this petition, as according to him, the reliefs in this petition have become infructuous due to lapse of time. Further, he states that the petitioner will remove the tower from the site within the next three months. He, however, apprehends that the respondents may create obstacles to such removal.

6. The learned Counsel for the respondents state that there is no question of creating any obstacle for the removal of the tower particularly since respondent nos.1 & 2 had revoked the permission and also directed the removal of the tower. Therefore, if the petitioner

is only complying with the directions in the impugned order, there is no question of any obstacles.

7. Mr. Bhardwaj, on instructions, states that all precautions will be taken at the stage of removal of the tower so that no inconvenience is caused to the residents around the tower installation. This statement is accepted and the petitioner may act accordingly.

8. Accordingly, leave is granted to withdraw this petition and the petition is disposed of as withdrawn. The interim order is also vacated.

9. Learned Counsel for the respondents to communicate an authenticated copy of this order to the parties whom they represent.

10. All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.

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